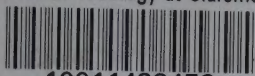


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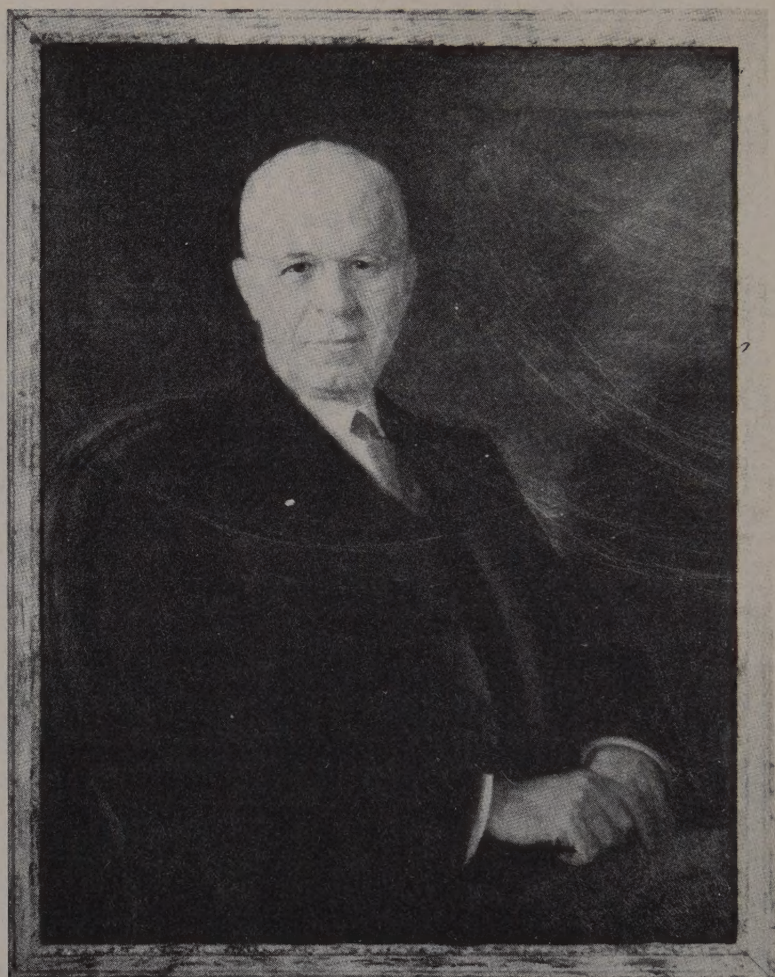


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THE CHANUKKAH FESTIVAL AND THE CALENDAR OF ANCIENT ISRAEL

JULIAN MORGENSTERN*

I

THE RITES OF THE CHANUKKAH FESTIVAL

WHETHER the Chanukkah Festival had antecedents in Jewish life and worship is a question not only interesting but also important for the history of Judaism. The usual assumption is that it was a festival altogether new in Jewish religious practice, inaugurated by Judah Maccabee after his initial victories over the Syrians to commemorate the purification of the

* The following studies by the author are cited with more or less frequency in the following pages, and so, for the sake of convenience of reference, may be listed here in the order and with the place of publication:

"Two Ancient Israelite Agricultural Festivals," *Jewish Quarterly Review* (new series), VIII (1917), 31-54.

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"The Three Calendars of Ancient Israel," *Hebrew Union College Annual*, I (1924), 13-78.

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"A Chapter in the History of the High-Priesthood," *American Journal of Semitic Languages*, LV (1938), 1-24, 183-197, 360-377.

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Temple and its rededication to the worship of the God of Israel. All the oldest sources¹ relate that the Temple was purified with proper ceremonial upon the very same day upon which it had been defiled by the Syrians just three years earlier. But, with the exception of Josephus, they make no statement nor in any way suggest that the Jewish people had ever observed any similar festival previously at the same time and in the same or a related manner.

Only Josephus says vaguely, "They were very happy at the revival of their customs, when, after a long period of intermission, they unexpectedly regained their freedom of worship, so that they made it a law for their posterity, that they should keep a festival on account of the restoration of their Temple worship for eight days." Just what Josephus meant by "the revival of their customs" is not clear. It may have implied no more than the renewal of the normal Temple ritual, for this was undoubtedly regarded by the Jews of the time as a great privilege and blessing. In fact the later words, "they unexpectedly regained their freedom of worship," seem to imply that Josephus had in mind actually no more than what these words literally say. Yet it must be admitted that the expression, "the revival of their customs," may well mean much more than, and even something quite different from, this. And the very fact that Josephus records in the very same sentence the prescription that the festival was henceforth to be observed for eight days, without, however, in any way motivating these eight days, suggests that the celebration of a festival for eight days at just this season of the year may have been one of the former customs, and even the basic custom, which was now revived. This hypothesis we shall have to test.

Of one thing we may be fairly certain at the very start., viz. that, assuming for the moment that no specifically Jewish festival may have been observed at that season in pre-Maccabean times, unquestionably the Syrians did observe such a festival. 1 Macc. 1.54-59 records that on the fifteenth² of Kislev

¹ 1 Macc. 1.54-59; 4.43-59; 2 Macc. 10.5; Josephus, *Antiquities*, XII, 7, 6.

² For "fifteenth" Sg reads "twenty-fifth." According to all other records and traditions the latter date would seem correct; however, see below, p. 113.

the Syrians set up upon the Temple altar the "abomination of desolation,"³ and in the cities of Judah they established *bamot*, sacrificial high places. They likewise burned incense and offered sacrifices at the doors of houses and in the streets. And upon the twenty-fifth of the month they offered sacrifices upon the altar which they had set up before the "abomination of desolation," the image of their Zeus,^{3a} upon the former altar of burnt-offering. That this was the occasion of a larger and more positive celebration than the mere defilement of the Temple at Jerusalem would normally have been is assured. In the first place it must be recognized that the implication of the setting up in the Temple of the image of their Zeus by the Syrians is not so much that their primary purpose was to thus defile the Temple and render it unfit for further Jewish worship, but rather that they were actually consecrating it to the worship of their own national deity; and obviously for a purpose so positive as this a religious festival, and even one of great importance in their ritual calendar, would have been the most natural and fitting occasion.

In the second place, the fact that the celebration extended to the cities of Judah on all sides corroborates the assumption that a Syrian festival was being observed, and that, moreover, Jews, residents of these cities and towns, must have participated therein rather freely. This latter conclusion is supported by the further statement that they burned incense and offered sacrifices at the doors of houses and in the streets; for this house celebration, presumably carried on both in Jerusalem and in the other cities in which the high places had been set up, implies popular participation therein; and, of course, such popular participation in the cities of Judah must have been on the part, not of the Syrian army, but rather of the native Jewish population.⁴ And it is a further natural inference that the Jewish population

³ The שִׁקוץ מַשְׁמֵם of Dan. 11.31, *i. e.* Ba'al Shamem. In this one v. of Dan. the entire Syrian procedure in the Temple is epitomized, however without any recording of date.

^{3a} Zeus Olympios; cf. 2 Macc. 6.2.

⁴ This seems to be the implication, in part at least, also of Dan. 11.30b-32. The precise import of עַם יִדְעֵי אֱלֹהֵי is clearly "the people who acknowledge his (*i. e.* Antiochus') god."

of these cities would have participated in these rites so readily only if these had been somewhat familiar to them, and their observance at just this season seemed therefore natural and proper.

In this connection it is impossible not to think of the ceremony which Jeremiah denounced so scathingly some four and a half centuries earlier: "Do you not see what they are doing in the cities of Judah and in the streets of Jerusalem? The children gather the wood, and the fathers kindle the fire, and the women knead dough in order to make cakes for the Queen of Heaven, and they pour out libations to other gods, in order to anger Me." There is no need to develop here the full meaning of this interesting passage, since I have discussed it in considerable detail elsewhere.⁵ There I showed that the rites, here excoriated by the prophet, were folk-ceremonies in the celebration of the annual Asif-New Year's Day Festival, a festival, be it noted in passing, which also endured for eight days. I showed likewise that Jeremiah made this festival, the principal festival of the ancient Israelite religious year, with its assembling of the people in the Temple in vast throngs, the occasion of his memorable Temple address.

It is obvious at a glance that the rites recorded here as performed in the worship of a foreign deity in the cities of Judah and in the streets of Jerusalem, in which the kindling of fires, impliedly at the doors of the houses, was an essential rite, are practically identical with the ceremonies of the Syrian festival in the cities of Judah at the doors of the houses and in the streets. Of this we shall have further evidence. Accordingly we need not hesitate to conclude that an important Syrian festival was observed upon this occasion in Jerusalem and Judah upon Kislev 25 and upon the eight, or even ten or eleven,^{5a} days linked with this day, a festival which, even though observed at a different season of the year, had something, and perhaps even much, in common with the ancient Israelite Asif-New Year's Day Festival. It must have been a festival of great importance, perhaps even the most important festival, in the Syrian calendar of that

⁵ "The Gates of Righteousness," 20 ff.

^{5a} If we reckon from Kislev 15 to or through Kislev 25.

day,⁶ and therefore a very fitting occasion for the inauguration by the Syrians of the cult of their Zeus in the Temple at Jerusalem and the consecration of the Temple to his worship.⁷ But also, as we have just seen, the probability lies ready to hand that during the pre-Maccabean period a Jewish folk-festival, with rites somewhat similar to those practiced in the folk-celebration of the Asif-New Year's Day Festival in the seventh century B. C., had been celebrated in the cities and towns of Judah at just this season, a festival which, like the Asif-New Year's Day Festival, continued for eight days.

The account of the inauguration of the Chanukkah Festival in 1 Macc. 4.43-59 adds a few details of importance to the picture of the festival which we have reconstructed thus far. The festival was celebrated, or at least its celebration was begun, on Kislev 25, the very same day upon which the Syrians had defiled the Temple three years previously. The festival was celebrated for eight days; and it was ordained that ever thereafter its celebration should continue for a like period. In the celebration of the Jewish festival in the Temple the burning of incense and the kindling of lamps seem to have been the essential and characteristic ceremonies. But these distinctive fire-rites are closely similar to, and even practically identical with, the rites in the streets and at the doors of the houses in the folk-celebration of the Syrian festival and in the folk-celebration of the Asif-New Year's Day Festival in Jerusalem and the cities of Judah in Jeremiah's day.

1 Macc. 4.57 records that on this occasion the Jews decked the forefront of the Temple, i. e. its eastern facade, with crowns

⁶ Not at all improbably, as we shall see, it had, for the Syrians at least, something, and probably even much, of the character of a New Year's Day festival, and may even have been observed by the Syrians at that time as their New Year's Day. However, cf. Ginzel, *Handbuch der mathematischen und technischen Chronologie*, III, 40 f., who holds that the year of the Seleucid calendar began in October.

⁷ This consideration adds support to the suggestion just offered, that this may have been the Syrian New Year's Day festival; for, as I have shown elsewhere ("The Three Calendars of Ancient Israel," 36 ff.), the New Year's Day was the regular occasion among Semitic peoples for the dedication of temples.

of gold and small shields, and dedicated afresh the gates. V. 52 records that the festal ceremonies began very early in the morning. The implication of this statement is that they began at sunrise. But if this inference be correct, then it is practically impossible not to link this phase of the festal celebration, together with the reference to the golden eastern front of the Temple and to the rededication of the gates, with the all-important ceremony of the ancient Israelite New Year's Day Festival of the coming of the first rays of the rising sun through the open eastern gate of the Temple, the reflection of these rays from the golden overlay of the eastern front of the Temple, and the kindling of the new sacred flame upon the altar, and with this the inauguration of the new year.⁸ This, of course, suggests another and a very important link of the antecedent of the Chanukkah Festival with the ancient Asif-New Year's Day or, as it was called from the time of Ezra on, the Sukkot Festival.⁹

It is noteworthy that the account of the inauguration of the festival in 1 Macc. offers no explanation whatever of the prescription that the festival should be observed for eight days. This fact suggests, in turn, that this celebration of the festival for eight days, absolutely unmotivated in this, the oldest record of the festival, a record compiled but little later than the happening of the events recorded and when the memory of them must therefore have been very fresh, was in conformity with an old, pre-Maccabean practice. And in the close parallelism

⁸ Into this fascinating study we need not enter here. I have already treated it in some measure in "The Gates of Righteousness," and am at present preparing a far more searching presentation of this subject in a monograph entitled "The Fire upon the Altar," which, I hope, will eventually be published in *HUCA*.

⁹ However, 1 Macc. 4.54 reads that the Jews "dedicated" the altar upon the very same day of the month upon which it had been defiled, and v. 56 tells that "they celebrated the dedication of the altar for eight days." It is not impossible that "the Dedication of the Altar" was the actual name of the eight-days festival already at the time of the composition of 1 Macc. and that the customary name of the festival, Chanukkah, "Dedication," is a contraction of this original name. As John 10.22 evidences, certainly by about 100 A.D., and probably even somewhat earlier, the festival was known by this, its most enduring, name.

of this festival with the ancient Asif-New Year's Day Festival, with its eight days of celebration, we have already perceived a hint of the ancient folk-celebration of this Chanukkah Festival or its antecedent, whatever this may have been.

It is also noteworthy that 1 Macc. does not record the name of the festival, nor does it refer in any way to the traditional Jewish ceremony of the kindling of the lights in the homes in the festal celebration. No doubt this implies that at the time of composition of 1 Macc. no specific name for the festival had as yet developed,^{9a} and likewise that the particular ceremony of kindling lights or candles in the homes had also not yet become general, and perhaps had not yet even been inaugurated. But certainly by the time of Josephus, almost two hundred years after the composition of 1 Macc., this peculiar home ceremony was already in vogue.

Josephus' account of the inauguration of the Chanukkah Festival is directly dependent upon that of 1 Macc. In fact he actually reproduces much of the language of 1 Macc. But, in addition to his reference to the revival of former customs, discussed above, Josephus tells that the festival was called "Lights." This name could have developed only from the practice of kindling lights in the homes during the eight days of the festival. This practice must therefore have been current, not only in Josephus' own day, but even for a sufficiently long period previously for this peculiar name to have become firmly established in the second half of the first century A. D. It is impossible not to regard these lights, kindled in the Jewish homes, as a direct development from the fires which were kindled at the doors of the homes and in the streets in the earlier folk-celebration of both this festival and of the Asif-New Year's Day Festival in Jeremiah's day. And the fact that in later Jewish practice emphasis was laid upon the placing of the Chanukkah lights in the front windows of Jewish homes, so that their light might be beheld by passers-by in the streets, lends strong confirmation to this conclusion.

^{9a} Cf. "Supplementary Studies in the Calendars of Ancient Israel," 142, note 230 and also above, note 9.

2 Macc. offers a number of details of great significance for this study. 1.18 seems to suggest that at the time of the compilation of 2 Macc., presumably about or soon after the beginning of the first century B. C., the festival had come to be known as "the purification of the Temple."¹⁰ The same v. links the festival with the Feast of Tabernacles, the Sukkot Festival. This last is likewise the implication of the second festal letter, recorded in 2.12, for there the eight days of the celebration of the festival are coordinated with the eight days of Solomon's Temple dedication festival, and, as I have shown elsewhere,¹¹ and as in fact the Bible itself records, this was the ancient Asif-New Year's Day Festival. Moreover, this letter by implication identifies the miraculous fire from which the flame upon the altar was kindled in the Maccabean Temple with the fire which descended from heaven and kindled the flame upon the altar of Solomon's Temple at the climax of the celebration of the Asif-New Year's Day Festival;¹² and, as I show in the afore-cited study which is now in preparation,¹³ this fire from heaven was naught but the first rays of the rising sun upon the New Year's Day.

Moreover, 2 Macc. 10.6 says explicitly that the celebration of the Chanukkah Festival endured for eight days because it was patterned after the Feast of Tabernacles, with its eight days of celebration. And v. 7 even provided that in the celebration of the Chanukkah Festival the *lulab* was to be carried in the same manner as it was employed in the celebration of Sukkot. The reason given for this particular rite is manifestly artificial and forced. Instead of accepting it we must see in this use of the *lulab* in the celebration of the Chanukkah Festival still another rite which it had in common with the celebration of the ancient Asif-New Year's Day Festival, similar to the kindling of fires in the streets and at the doors of the houses. The evidence of close parallelism between the folk-celebration of the Chanukkah Festival and the ancient folk-celebration of the Asif-New Year's Day Festival is becoming cumulative. And this, in turn, points to the inescapable conclusion that Chanukkah was not at all a

¹⁰ Cf. also 2.16; 10.5; Josephus, *Antiquities*, XII, 7.6.

¹¹ "The Three Calendars of Ancient Israel," 36-43.

¹² 2 Chron. 7.1.

¹³ See above, note 8.

festival entirely new in Jewish observance when inaugurated by Judah Maccabee, but that it must have had antecedents as a Jewish folk-festival, and a folk-festival of wide observance, which must necessarily have reached back to ancient times in Israel.

2 Macc. 10.8 records one further detail of more than passing significance. Although in v. 6 it tells of the celebration of the first Chanukkah Festival for eight days, v. 8 records the prescription that "the Jewish nation should keep these ten days every year." The mention of ten days of observance is surprising indeed. And yet, as we shall see, it can be readily accounted for, and that, too, not by the assumption of textual corruption, and will itself offer still another parallelism between the Chanukkah Festival and the ancient Asif-New Year's Day Festival. In this connection, however, we may note again that 1 Macc. 1, 54-59 tells that the Syrians defiled the Temple at Jerusalem on the fifteenth of Kislev, but that the "abomination of desolation" was set up in the Temple and the festival ceremonies were celebrated, or else reached their climax, upon the twenty-fifth of the month. If the word, "fifteenth," be correct this may imply a ten- or eleven-days period of festal celebration of some kind on the part of the Syrians. In such case it would, of course, be impossible not to coordinate these two records of ten-days periods of celebration of the Chanukkah Festival, at least in its early stages.

So much then for the evidence of pre-Maccabean antecedents of the Chanukkah Festival which the primary sources of information about the festival and its origin offer. We may now inquire whether additional evidence of such antecedents may not be discovered in biblical literature.

II

THE FESTIVAL ON THE TWENTY-FOURTH OF THE NINTH MONTH

The prophet Haggai delivered his two final addresses to the people on the twenty-fourth of the ninth month in the second year of Darius, i. e. 520 B. C.¹⁴ Undoubtedly these addresses

¹⁴ Hag. 2.10,18,20.

were delivered in Jerusalem, and, as עש in v. 14 indicates, at or very near to the site of the Temple, the rebuilding of which Haggai was earnestly advocating. Manifestly the people had gathered in great numbers at this place. Presumably they had come from the outlying districts. They were busily offering sacrifices, unquestionably upon the altar which the first returned exiles had erected.¹⁵ The argument which Haggai employed in this address to prove the necessity of pressing the rebuilding of the Temple with utmost dispatch was based upon the sacrificial procedure and was suggested undoubtedly by what he beheld the people doing. Furthermore, as v. 18 states explicitly, this very day was regarded as the day of the founding of the Temple.¹⁶ Moreover, as v. 15 records, not only was the foundation stone set upon this day, but the actual work of building, of laying stone to stone, began immediately thereafter upon this very same day.

Here the question arises: Was this day, IX/24, just an ordinary day, or was it a particular occasion of some kind, and especially a holiday of the religious calendar of that period? All scholars seem to have assumed, for lack of any specific record of a religious festival held at just this season of the year during the biblical period, that it was just an ordinary, chance occasion. With the exception of Mitchell, no commentator apparently even raises the question; and Mitchell, after a brief and super-

¹⁵ Ezra 3.2 f.

¹⁶ Marti's argument that the foundation of the Temple must have been laid earlier than IX/24 is altogether contrary to fact. 1.14-15 states explicitly that the work on the Temple site began exactly three months earlier, on VI/24. We can readily imagine that it would require at least these three full months to clear away all the debris of the first Temple and to prepare the site sufficiently that the foundation stone might be set properly and the actual work of building be begun on IX/24. Nowack suggests that all of v. 18b, with the exception of the last two words, is a gloss; but if there be any glossation here at all, and there is no cogent reason for assuming this, it would be more reasonable to regard these last two words, שימו לבבכם , redundant and superfluous as they seem to be, as the gloss, rather than the first portion of the half-verse. Moreover, it should be borne in mind that v. 18b is not the only source of our knowledge that IX/24 was the day upon which the foundation-stone of the Temple was laid, but that this fact is corroborated in striking manner by Zech. 8.9, as we shall soon see.

ficial discussion of the matter, concludes that it was an occasion of no festal import whatever.

Yet various considerations point to just the opposite conclusion. Certainly in ancient Semitic practice the laying of the foundation stone of a temple was an occasion of solemnity and ceremonial observance second only to the dedication thereof, for which the celebration of an important festival would be the fitting and auspicious occasion.¹⁷ The gathering of the people here at the site of the former Temple and the offering of sacrifices, as well as the fact that the prophet clearly anticipated that this day and this occasion would inaugurate a new era in the life of the Jewish community of Palestine, all suggest that this IX/24 was indeed a day of extraordinary character and not improbably even a religious festival of considerable importance.¹⁸

Zech. 7.1-8.19 records the visit of the official deputation to Zechariah to inquire of him the will of the Deity with regard to the continuance of the celebration of the fast of the fifth month. They came to him in the fourth year of Darius, in the ninth month. According to *MT* and practically all the versions, they came on the fourth of the month. But, very significantly, *G*^A records that this visit to the prophet happened on the twenty-fourth of the ninth month. Every consideration points to the conclusion that the latter reading was original, that the one word, עשרים, has been lost from the text as it was at first, with the result that the present reading, with its dating of this event upon IX/4 instead of IX/24, evolved. Certainly it is simpler and far more probable to assume the loss of this one word from the original text than to devise a reasonable explanation of how *G*^A should have come at just the reading, twenty-four. Moreover, the unmistakable reference in 8.9-13 to Haggai's address on the day upon which the foundation of the Temple was laid, i. e. to Hag. 2.10-19, suggests a direct relationship of this inquiry put

¹⁷ See above, note 7.

¹⁸ This assumption may find corroboration in the fact that Haggai was impelled to deliver a second address (2.20-23) still upon this same day. This suggests that the day lent itself well to such a procedure, and also that the prophet must have maintained his high, emotional, or even ecstatic, mood throughout the day.

to Zechariah and his answer in the name of the Deity thereto to that occasion and to that very day. The full implication is that this delegation came to the prophet on IX/24 of the fourth year of Darius, i. e. exactly two years to the day after the laying of the foundation of the Temple. During these two years the reconstruction of the Temple had progressed so satisfactorily that its completion within a reasonable time was assured. Accordingly the inquiry of the delegation was thoroughly justified; was it the divine will that they continue to observe the fast upon V/9, which had come, through historical association, to commemorate the destruction of the Temple by the Babylonians in 586 B. C., almost seventy years earlier?¹⁹

However, there are implications here far deeper and more significant than this. The prophet's reply to the formal inquiry addressed to him, spoken, of course, in the name of Yahweh and therefore having full oracular authority, seems to be contained in the passage, 7.4-8.19.²⁰ The general import of the reply

¹⁹ Actually the association of V/9 with the destruction of the Temple was only incidental and likewise was not altogether accurate. For evidence that V/9 was observed as a fast day from early times and also that it inaugurated an important seven-days festival, cf. "Two Ancient Israelite Agricultural Festivals." Manifestly, however, by 518 B. C., when the delegation came to Zechariah, the correlation of this ancient fast day with the destruction of the Temple in 586 B. C. had become firmly established in popular belief and observance, while the true origin of the fast seems to have been forgotten almost completely.

²⁰ It is not certain that this entire passage is a literary or oracular unit. Not impossibly some vv. may be fragments of other utterances of the prophet which, in some way or other, have been preserved in this setting. But there is no way of determining this with full assurance. Neither is it certain that the passage is not rather something of a synopsis or an anthology of the prophet's full address on this occasion rather than the complete address itself. The rather disjointed character of the passage and the many abrupt transitions from one thought to another suggest this hypothesis. Neither is it certain that vv. 20-23 are also not a part, and perhaps the very climax, of this address, although on the whole it seems as if they would have found their natural utterance in the high and infectious enthusiasm of the actual dedication of the completed Temple almost two years later, rather than upon this occasion. However, be all this as it may, since a broad unity of thought manifestly pervades the entire passage, it is possible and proper to regard at least 7.4-8.19 as a unified utterance and to so interpret it here.

is clear. In 8.9–13 Zechariah makes specific reference to Haggai's prophetic utterance to the people gathered in Jerusalem at the Temple site on IX/24 of the second year of Darius.²¹ Haggai had pointed out very emphatically that during the period immediately preceding the laying of the foundation-stone of the Temple the people had experienced a long series of economic misfortunes, unbroken by any good whatsoever. This, he declared, was the consequence, in accordance with divine will and purpose, of their complete devotion to their own selfish interests and their indifference to the Temple-building project. But confidently Haggai proclaimed that, if they would now pursue this Temple project devotedly, then, beginning with this very day of the foundation laying, their economic circumstances would improve steadily.

Now, on this second anniversary of Haggai's prophetic utterance, Zechariah calls attention to the fact that Haggai had indeed prophesied truly, that the economic fortunes of the people had bettered notably during these two years. This, in turn, encourages Zechariah to make a further prediction, that, impliedly, if the people will only persist in their undertaking and complete the Temple, then God's favor to them will continue and even grow, until at last, whereas the Jewish community of Palestine had been considered by the other nations a people accursed, and therefore a source and disseminator of evil and misfortune to their neighbors, henceforth it will be regarded as a people blessed and, in consequence, as a source of blessing unto all peoples who have contact with it.²²

²¹ Hag. 2.10–19, and especially vv. 15–19.

²² This thought accords completely with the common Semitic concept of blessing and curse and the dissemination of these forces from an infected source (cf. Westermarck, *Ritual and Belief in Morocco*, I, 35–261). It is, of course, impossible not to correlate this idea with the divine charge to Abraham, "Be thou a blessing . . . that through thee all the nations of the earth may be blessed" (literally, "may receive *baraka*") (Gen. 12.2–3). For the true implication of this charge cf. *A Jewish Interpretation of Genesis*, 102 ff. That this concept of the role of Israel as a source of blessing among and unto the nations is dependent upon, and therefore later than, Deutero-Isaiah's doctrine of Israel as the "servant of the Lord" and "the light of the nations" is almost self-evident. This matter, with its far-reaching implications, I hope to discuss again and in greater detail in its proper historical setting.

Even more than this; on this obviously auspicious occasion Zechariah feels justified in reaffirming some of the predictions which he himself had voiced two years earlier.²³ Those predictions had been made at the time of the Zerubabel rebellion and largely in anticipation of its happy outcome for the Jewish people.²⁴ The tragic failure of that rebellion and the unquestionably dismal fate of Zerubabel, whatever it may have been, had of necessity qualified the originally high hopes of both prophet and people and seemingly nullified in large measure his predictions of a happy future for the people. Now, however, on this second anniversary of the laying of the foundation of the Temple, and with the work unquestionably proceeding so steadily and satisfactorily²⁵ as to give adequate assurance of its ultimate completion and dedication in the not too remote future, the hope and confidence of the people are revived sufficiently for him to reaffirm some of his earlier promises of a glorious future for God's people. In particular he renews his earlier prediction concerning Jerusalem and even expands its details not a little.²⁶ God is jealous for His beloved city. It shall surely be rebuilt and repopulated. In it all the inhabitants shall reach a high and happy old age. Its streets shall echo with joy and gladness and the mirth of children. Its exiles shall be restored to it. And, above all else, God Himself will take up His abode in it and, by implication, bless it by His presence and give it security forever.

Manifestly, to Zechariah too, as well as to Haggai, IX/24, both the day in itself and also the anniversary, was an auspicious occasion, a day of unusual import, which ushered in a new and blessed era in the life of the Jewish people. The inauguration of this new era was bound up inseparably with the laying of the

²³ 7.8-14; 8.16-17 reaffirm and expand the thought of 1.4-6. 8.1-5 do the same for 1.14-17; 2.6, 14 f.

²⁴ Zech. 1.1-6 was spoken at some time between X/27 and XI/25, 520 B. C. and 1.7-17 (if a literary unit) on II/16, 519 B. C.; cf. Review of Parker and Dubberstein, *Babylonian Chronology*, 626 B. C.-A. D. 45, 128 f.

²⁵ With Persian approval and even generous financial assistance; cf. "A Chapter in the History of the High-Priesthood," 185 f.

²⁶ 1.14; 2.6, 14 f.

foundation stone of the new Temple, exactly two years to the day previously, and the assured promise of its completion and dedication in the near future and the entrance of the Deity into His new home and His residence therein henceforth. Accordingly it was perfectly logical and proper that, in the mood of this auspicious occasion, the prophet should announce the divine decision in answer to the inquiry which had been directed to him and to which a prophetic, oracular reply was expected. The prophet's reply went far beyond the immediate question which had been put to him. Not merely the fast of the fifth month, with which alone the formal inquiry had concerned itself, but also the fasts of the fourth, seventh and tenth months were to be abrogated completely, were no longer to be observed by the Jewish people.

The import of this decision is obvious. All four of these fasts, whatever their actual origin may have been,²⁷ had come through historical circumstance and resultant tradition to be associated with the conquest of Judah by the Babylonians in 586 B. C., the destruction of Jerusalem and the burning of the Temple.²⁸ But now that the completion of the Temple and its dedication were assured and were narrowly impending, and now that the restoration of Jerusalem to its former size and glory had likewise been promised by the Deity, now that, in other words, the effects of these historic calamities which, in popular tradition, these four fasts commemorated, were about to be terminated, and in their stead a permanent condition of divine protection and favor, with attendant national good fortune and enduring happiness, was about to ensue, there was no longer need nor reason for the

²⁷ For the origin of the fasts of the fifth and seventh months cf. "Two Ancient Israelite Agricultural Festivals."

²⁸ For the connection with these events of the fast of the fourth month, the 17th of Tammuz of the later Jewish calendar, cf. Jer. 52.6 ff. For that of the fast of the fifth month, the 9th of Ab of the later calendar, cf. 2 Ki. 25.8; Jer. 52.12. For the connection of the fast of the seventh month, the "Fast of Gedaliah," on the 3rd of Tishri of the later calendar, cf. 2 Ki. 25.25; Jer. 41.1, and also "Two Ancient Israelite Agricultural Festivals," 42 f. For the connection of the fast of the tenth month cf. 2 Ki. 25.1; Jer. 39.1; 52.4; Ezek. 24.1-2. Cf. also the interesting and illuminating rabbinical discussion of these four fast days in B. Rosh Hashanah, 18b.

continued observance of these fasts. Therefore let them be terminated forever: this was the divine decree.²⁹

Now, if IX/24 had been a sacred occasion two years earlier, in 520 B. C., one upon which the people had gathered in Jerusalem at the Temple site to offer sacrifices and to perform attendant religious ceremonies, certainly it was no less a sacred occasion just two short years later. The very fact that the delegation was sent to consult the prophet formally on just this day might in itself, by analogy with 2 Ki. 4.13, have suggested that this was a sacred day. Much more probably, however, the delegation consisted of men who had come up to Jerusalem primarily to participate in the celebration of this sacred day, and who, obeying the instructions of their chief, Bethelshareser,³⁰ took advantage of the favorable opportunity to lay their formal question before the prophet.

Neither here nor in Hag. 2.10-23 does the context give any direct indication of what was the nature of this sacred occasion or of the character of the rites of the day. However, it is not unreasonable to infer from the fact that the formal inquiry of the deputation to the prophet dealt with the observance of a fast day, and from the additional fact that the prophet's reply correspondingly ordained the abrogation of four fast days, that

²⁹ Obviously a similar chain of thought, limited, however, in its application to only the fast of the fifth month, the fast which was, in popular thought and practice, most immediately connected with the destruction of Jerusalem and the Temple, had prompted the question as it was put to the prophet.

³⁰ It might well be asked, why did not Bethelshareser himself participate in this pilgrimage to Jerusalem and in the religious ceremonies of the day, and himself, either alone or as the spokesman for the delegation, direct the inquiry to the prophet. The natural answer to this question is that in all likelihood, as the characteristically Akkadian name indicates, Bethelshareser was a Babylonian or Persian, either native or, as the element, Bethel, in the name suggests, a Palestinian provincial, and perhaps the governor, or at least a high official, of the province. As a non-Jew he would, of course, be under no obligation to participate in the religious ceremonies of the Jewish people at the site of the Temple in Jerusalem. But as a high official of the province he may well have had a practical interest in the question whether the fast in the fifth month should be continued. As the verb, וישלח, in 7.2 indicates, Bethelshareser was probably not resident in Jerusalem; but just where his seat of residence may have been located is in no way indicated in the text.

this sacred occasion may well have been a fast day likewise; for it would have been altogether natural that the observance of one fast day should have suggested both the inquiry with regard to another fast day and also the prophetic pronouncement that four annual fast days should be abrogated. The evidence to follow immediately will prove decisively that in the early post-exilic period, and quite certainly in the pre-exilic period also, IX/24 was celebrated by the entire Jewish community of Palestine as an annual fast day, and one of considerable importance, and that for its observance the people gathered from all the towns and villages to Jerusalem, and undoubtedly to the Temple or the Temple site, precisely as is depicted in Hag. 2.10-19 and also, as we have seen, is implied in Zech. 7-8.

But if IX/24 was indeed an annual fast day, then, it is obvious, it was not one of the four fast days the continued observance of which was terminated by the prophet's decision. This must have been because popular tradition had not linked this particular fast day, as it had the four other annual fast days, with the destruction of Jerusalem and the Temple in 586 B. C. Therefore the rebuilding of the Temple and its impending dedication offered no justification for the abrogation of this particular fast day. Accordingly its observance must have continued undisturbed into a later period. Of this conclusion, too, we shall now have ample evidence.

We direct our attention next to an incident which transpired somewhat later in the history of the Jewish community of Palestine. Ezra 9-10 records Ezra's attempt to abrogate the practice of intermarriage with foreigners in the Jewish community. There is no need to discuss the entire procedure here. Our concern is primarily with the time element thereof, particularly as set forth in 10.7-17.

The people are bidden to assemble within three days, with the penalty of excommunication and confiscation of property for failure to comply with this directive. They do so assemble on IX/20. The proposal to send away all foreign wives is laid before the assembly. It acknowledges the sin of intermarriage and accepts the program in principle. But, it is argued very properly, the program is practical in character, and so time will

be needed to carry it out. Responsible investigations must be made and lists of all those who had contracted intermarriages must be drawn up. This task must be performed systematically by the officers and administrators of the various towns and villages, who, of course, know best the family affairs of their citizenry. This procedure is approved. The investigation begins on X/1 and is completed three months later, upon I/1. 10.18-44 records the results of this investigation, the names of those members of the Jewish community who had contracted intermarriages.³¹

Several cogent questions arise here. What happened during the ten days intervening between IX/20 and X/1? Why should the leaders of this movement have waited these ten days after securing popular endorsement of their program, which, manifestly, they themselves had anticipated would not be too readily accepted by the general public, ten days therefore in which the initial and seemingly unanimous approval of the program by the emotionally stirred populace might well have been expected to wane or even to be dissipated completely, ten critical days therefore, in which the prompt inauguration of the program would have seemed the natural and wise procedure? Why then this ten days period of apparently total inactivity? Moreover, if IX/24 had been an important sacred day in 520 and 518 B. C., some sixty years earlier, it was in all likelihood still observed as a sacred day of no little significance, upon which the people still gathered in Jerusalem for the offering of sacrifices and the performance of related religious rites; why, then, is there no specific

³¹ It may be doubted whether the list here recorded is complete. If it were, then it may be doubted, in turn, whether the issue of intermarriage, viewed in any light other than as a fundamental principle of nationalistic and particularistic reorganization of the Jewish community, was as important as Ezra certainly regarded it. Neither have we the slightest information what Ezra's procedure to enforce his program may have been after the lists were prepared. But whatever it may have been, it seems to have been ineffective; for the practice of intermarriage seems to have continued but little, if any, abated, and to have needed the drastic treatment of Nehemiah a quarter of a century later, when the extreme penalty of excommunication was actually enforced against the son of Joyada, the chief priest (Neh. 13.23-31), who persisted defiantly in the intermarriage which he had contracted.

reference to this day in this record which covers the period IX/20-X/1?

Neh. 9.1-2 has always presented a vexing problem to biblical commentators. The passage reads: "And upon the twenty-fourth day of this same month the children of Israel assembled with fasting and with sackcloth and earth upon themselves. And (those of) Israelite stock separated themselves from all foreigners, and they arose and made confession of their sins and of the transgressions of their fathers." Following immediately upon Neh. 8, the account of Ezra's celebration of the Sukkot festival in Jerusalem from VII/1 through VII/10,³² the natural inference is that the words, "of this same month," of 9.1 refer also to the seventh month, and that therefore the passage records that on VII/24, just two weeks after the conclusion of the joyous celebration of the Sukkot festival and the inauguration of the important institution of the reading of the law in the religious ceremonies, the people reassembled in Jerusalem with the consciousness of grievous sin upon them and performed solemn rites of fasting, mourning and self-humiliation.

Now what could have happened during these two weeks so momentous and so depressing as to completely alter the earlier, joyous mood of the people and speedily develop such an overwhelming sense of communal sinfulness, that rites of such extreme atonement and self-humiliation should have been justified? We have no evidence whatever that anything out of the ordinary had transpired during this very brief period. Moreover, what is the import of the statement, "and (those of) Israelite stock separated themselves from all foreigners," in just this setting? And this question is all the more pertinent since there is not the slightest reference to foreigners in all of chapter 8 nor yet in the entire record which follows in 9.3-37. Neither in the whole of chapter 8 nor in 9.3-37, with its long enumeration of the traditional or conventional sins of earlier Israel,³³ is there the

³² Cf. "Supplementary Studies in the Calendars of Ancient Israel," 28-43.

³³ Neh. 9.5-37 has very close affinities, in its listing of the historic, conventional sins of Israel, with Ps. 78 and 106 and also in no small measure with the Deuteronomic framework of the Book of Judges. All these passages are thoroughly Deuteronomic in context, background and language. More-

slightest mention of the sin of intermarriage with foreigners or of the necessity of "separating from foreigners" and the sending away of foreign wives. This total absence of such reference would be surprising indeed and even inexplicable, if 9.1-2 were

over, they reveal almost no trace of the influence of the Priestly Code. Neh. 9.7-8 is absolutely the only passage in the entire, long prayer which shows any familiarity with the Priestly tradition. And even here the words, *אָבֵרם . . . שְׁמוֹ*, may well be an RP gloss, and the original may well have read, with perfect smoothness and without the loss of any essential idea, and even with much better effect, *אָחֵה הוּא יְהוָה אֱלֹהִים אֲשֶׁר בָּחַר בְּאַבְרָהָם וּמִצָּחָה אֶחָיִלְבָּבוּ נֶאֱמָן*, *לְפָנֶיךָ*. This excision would leave all of Neh. 9.5-37 without any trace whatever of Priestly influence. And it would be surprising indeed if, in a composition of this nature and length, had it been written later than Pg, there should be no trace at all of the influence of Pg except the few suspicious words cited above as a probable interpolation. There is cogent internal evidence, which, however, it would be untimely to discuss here, that all three of these compositions come from the period, less than a century in duration, intervening between Deutero-Isaiah and the advent of Ezra, and were written under Deuteronomic literary and theological influence. All three passages seem to have belonged to the synagogue ritual of that period, and, not at all improbably, to have even been parts of the synagogue festival liturgies. Very significantly for our study, not one of these three passages, in their long lists of the historic sins of Israel, makes the slightest mention of intermarriage with foreigners. Likewise in all the Deuteronomic framework of the Book of Judges, despite repeated references to the sinfulness and faithlessness of Israel and its worship of the gods of the nations round about, there is only one mention of the sin of intermarriage with foreigners, in Judg. 3.6a. Both Budde and Nowack regard the passage as an editorial gloss; and indeed this conclusion seems justified by the consideration that v. 6b follows perfectly immediately upon v. 5, while the customary thought that through these marriages the younger generation would be seduced to the worship of foreign deities (cf. Deut. 7.4) is not only completely lacking, but also the subject of *וַיַּעֲבֹדוּ* is certainly not at all the younger generation, as the customary thought is, but rather it is the older generation, the parents themselves, the subject also of *וַיִּשְׁבּוּ* in v. 5.

Only one conclusion may be drawn from all this evidence, viz. that all of these passages, Ps. 78; 106; Neh. 9.5-37, as well as much of the Deuteronomic framework of the Book of Judges, are earlier, though certainly not by many years, than Ezra's marriage reforms; for, had they been composed later, reference to the sin of intermarriage with foreigners would undoubtedly have been present in these categorical lists of Israel's historical transgressions, which are represented in all these documents as having aroused divine indignation and occasioned Israel's recurrent estrangement from its God.

an original and integral part of its present literary setting. Of course, it is obvious that 9.3-37, or at least the greater part thereof, is a supplication for forgiveness of various sins, as has been said, quite conventional in character, in all likelihood appended by the Chronicler.³⁴ But even the Chronicler made his additions to the nuclei of the Books of Ezra and Nehemiah to fit the context and to support and elucidate their main themes. And certainly 9.3-37 has no thought-connection whatever with 9.1-2. But it does have direct and pertinent connection with the main theme of chapter 8. The acknowledgment of God's unity, of His supremacy, His creative acts, His world-dominion and His choice of Israel as His particular people, followed by a conventional confession of sins on the part of the people and a fervent petition for restoration to divine acceptance and favor, fits perfectly the theme of chapter 8.

For, as I have shown in the study just cited, the actual celebration of the Sukkot festival, recorded in chapter 8, though nominally beginning with preparatory acts on VII/1-2, extended over the eight days, VII/3-10, and reached its climax with the celebration of the New Year's Day upon VII/10. The prayer in 9.5-37, particularly with its two major themes, the absolute sovereignty of God over the entire universe, of which He is the sole Creator, and the humble supplication for forgiveness of sins and restoration of Israel as a people to right relations with the God who had chosen it as His, is thoroughly characteristic of the traditional theme and ritual of Rosh Hashanah, the New Year's Day. And this was true particularly in the period of Ezra, when this festival was still celebrated upon VII/10, and had not yet, through the priestly reorganization of the calendar, been

³⁴ The Chronicler was himself certainly not the author of Neh. 9.5-37 any more than he could have been the author of Ps. 78 or 106 or of the Deuteronomic framework of the Book of Judges. As is here suggested, Neh. 9.5-37 was originally a part of the established synagogue liturgy of the pre-Ezra period, in all likelihood of Rosh Hashanah, but later, in the Chronicler's own day, of Yom Kippur. From this the Chronicler seems to have lifted this festival supplication for forgiveness of sins and added it as an appendix to the narrative of Neh. 8.1-18, with the culminating reference in the latter passage to the celebration of Rosh Hashanah on VII/10 (cf. below).

transferred to VII/1, and through this transfer divorced from the ancient ceremony of the scapegoat and from the removal and forgiveness of sin motif, originally an integral part of the New Year's Day ritual, which, however, following the transfer of the New Year's Day to VII/1, remained inseparably linked with VII/10 and so eventually called into being Yom Kippur, the Day of Atonement, as the most solemn festival of the Jewish religious calendar.³⁵ The prayer fits perfectly into the dominant themes of the New Year's Day as it was celebrated in Ezra's age upon VII/10.³⁶ And even though not actually the composition of the Chronicler, it is unquestionably an appendage by him to chapter 8. But recognizing this, it follows of necessity that 9.1-2 does not belong here, is a disturbing intrusion, and must originally have stood elsewhere. But where?

There can be little doubt that the original and proper position was in Ezra 10, between vv. 14 and 15. 9.1-2 records exactly what we expect to hear in this setting, that on the twenty-fourth of this same month, i. e. the ninth month, the people assembled in Jerusalem, as was their wont, on this ancient, traditional, sacred day and celebrated rites of fasting, self-humiliation and confession of sins. Naturally the sin uppermost in their minds at this moment, just four days after the preliminary assembly, was that of intermarriage with foreign women. And equally naturally the consciousness of this sin, stirred into activity upon this sacred day, prompted a few to somewhat premature but therefore all the more decisive, action, to immediately break off all association with foreigners, and perhaps even to divorce their foreign wives, precisely as Ezra had charged them, and this without waiting for the official investigation to be inaugurated. In other words, these two vv., shifted to their original position, tell us of the actual beginning of Ezra's particularistic program by the spontaneous action of a number of earnest and zealous Jews, stimulated by the emotional effect of the religious ceremonies in which they had engaged upon this sacred day.

³⁵ Cf. "The Three Calendars of Ancient Israel," 28-43.

³⁶ The dominantly ritualistic character of the prayer is almost self-evident, particularly to any one familiar with the historic rituals of Rosh Hashanah and Yom Kippur.

It should be noted here also, as further corroboration of the correctness of this textual reconstruction, that the very term here employed, obviously in an almost technical sense, *וַיִּבְדְּלוּ*, "and they separated themselves," is precisely the same term used in Ezra 10.11, in Ezra's charge to the people.

However, this is by no means the whole of the textual displacement which necessitates rather drastic textual rearrangement and reconstruction. As Torrey pointed out many years ago,³⁷ Neh. 10.29–32 also is certainly out of place in its present setting. These vv. have been greatly expanded by the Chronicler. They employ many of the Chronicler's stock phrases and ideas. They contain likewise one revealing internal contradiction; for v. 29a speaks of "all those who had separated themselves from the peoples of the land,"³⁸ quite as if this separation had already been effected, whereas vv. 30–32 tell that only just then do they enter into an agreement, solemnized by an oath, to take this step. It is, however, no difficult task to reduce this passage to its original form. This read in all likelihood quite simply, *וְשָׂאָר הָעָם נְשִׂיהֶם בָּנֵיהֶם וּבְנֹתֵיהֶם מִחֻזְקֵיהֶם עַל־אַחֵיהֶם אֲדִירֵיהֶם וּבָאִים בְּאֵלָה וּבְשׁוּבוֹעָה*, "And the remainder of the people, their wives, their sons and their daughters followed after the procedure³⁹ of their brethren, their influential men, and entered into an oath and a vow." Not impossibly this may have been followed in the original text by some such simple and direct statement as "to remove their

³⁷ "The Ezra Story in Its Original Sequence," *AJSL*, 25 (1908–9), 276–311; *Ezra Studies*, 252–284.

³⁸ Literally, "peoples of the lands" (so also Ezra 3.3, 8; 9.1, 2; Neh. 9.30; 2 Chron. 13.9; 32.13); but *עַמֵּי הָאֲרָצוֹת* is undoubtedly a plural of a compound term consisting of two nouns, of which the first stands in the construct relation to the second, in which both nouns are cast into the plural to express the plural idea of the compound term. It occurs only in Ezra, Neh. and Chron., and even there is used interchangeably with the natural plural of the compound expression, *עַמֵּי הָאָרֶץ*; cf. Ezra 9.11; 10.2, 11; Neh. 10.31, 32; 1 Chron. 5.25; 2 Chron. 6.33; 32.19.

³⁹ This is the only passage in the entire Bible where *הַחֻזֵּק* is followed by *עַל* with the connotation clearly implicit in this passage. Obviously *עַל הַחֻזֵּק*, as used here, means "to lay hold upon; to go in association with; to follow after the procedure of."

foreign wives,"⁴⁰ of which the present text of vv. 30a^βb-31 is an expansion by the Chronicler.

Nor is it any more difficult to determine the place where this sentence stood originally, than it was to recover, with reasonable certainty, the original text. It, too, must have stood at first in Ezra 10, between v. 16a and b. Thus reconstructed, the full account of Ezra's procedure in securing the agreement of the people to send away their foreign wives and of the attendant circumstances, as it stood originally in what is now the text of Ezra 10.9 ff. reads as follows: "Then all the men of Judah and Benjamin assembled in Jerusalem after three days, during the ninth month, on the twentieth of the month, and the whole group sat in the Temple square shivering because of the rains.⁴¹ Then Ezra, the priest, arose and said to them: Ye have transgressed and have brought home foreign wives, thus adding to the guilt of Israel. But now render praise unto the Lord, the God of our⁴² fathers, and do His will, and so separate yourselves from the peoples of the land and from the foreign wives. Then the entire assembly responded with a loud cry: Yes; according to thy charge is it incumbent upon us to do. However, the people are numerous and at present it is the rainy season, so that it is impossible to remain out of doors; neither is the task one for a day or even for two days, for we have sinned greatly in this matter. Let our high officials represent the entire community, and whoever within our towns have brought home foreign wives, let them come at designated times, and with them the elders of each town and its judges, in order to divert from us the wrath of our God because of this matter. (Neh. 9.1-2) Then, upon the twenty-fourth of this month the children of Israel assembled in fasting and with sackcloth and ashes upon themselves; and those of Israelite stock separated themselves from

⁴⁰ להוציא את־נשיהם הנכריות; cf. Ezra 10.3, 19.

⁴¹ For על־הדבר והנשמים reading, with Bewer (*Der Text des Buches Ezra*, 86), על־דבר הנשמים, but with no need nor justification for accepting his addition, based upon both MT and 1 Esd., המנישים. Certainly the people would shiver only when actually experiencing the cold rains of the ninth month, and not at all in anticipation of them.

⁴² Following Bewer in reading אבותיכם for אבותי with 1 Esd. and G.

all foreigners,⁴³ and they arose and made confession of their sins and of the transgressions of their fathers. (Ezra 10.15-16a) However, Jonathan ben Asahel and Yahzeyah ben Tikvah opposed them in this (procedure), but Meshullam and Shabbetai, the Levite, supported them. And the returned exiles⁴⁴ did likewise, and certain men,⁴⁵ family heads, and all of them persons of reputation, separated themselves; (Neh. 10.29-31) and the remainder of the people, their wives, their sons and their daughters, followed the procedure of their brethren, their men of influence, and entered into an oath and a vow. (Ezra 10.16b-17) And they remained assembled⁴⁶ to investigate⁴⁷ the matter on the first day of the tenth month. And they finished with all the men who had brought home foreign wives by the first day of the first month."

It is clear at a glance that, thus reconstructed, the text is

⁴³ This statement is of deep significance, for it records a distinct, historical act of division within the Jewish community. It implies very clearly that the terms here used, *בני ישראל* and *זרע ישראל*, are not at all synonymous, but that *בני ישראל*, meaning, of course, the entire Jewish community, consisted of two distinct groups, the *זרע ישראל* "those of Israelite stock," and the *בני נכר* "those of foreign descent," of course through intermarriage of Jews with foreigners. These *בני נכר* must therefore have been either themselves *גרים*, "proselytes," or else the offspring of proselytes. Deut. 21.10-14 and, even more specifically, 25.8-9 reveal the possibility which existed at certain periods in post-exilic Jewish history for foreigners or their posterity to become integrated into the Jewish community. From this it is clear that Ezra's reforms contemplated far more than the mere sending away of the foreign wives, that he was intent on expelling from the Jewish community all those, proselytes and others, who were not of pure Jewish or Israelite stock. This is, of course, not the place to go into this very complex and difficult problem, of such manifest importance for the history of Judaism in its earliest, formative period. It suffices for the present to have here pointed it out. Its full investigation must be left for some other, more favorable occasion.

⁴⁴ Literally, "the children of the exile."

⁴⁵ *עורא הכהן* is certainly an interpolation here. The emendation, frequently proposed, of *ויבדלו* to *ויבדלו לו*, with *עורא הכהן* as the subject and *אנשים* as the object, has nothing at all to commend it in this particular setting; neither is it clear just what force *לו* would have in this connection.

⁴⁶ Interpreting *וישבו* in accordance with the parallel reading, *συνεκάθισαν*, in 1 Esd. A; cf. Bewer, *op. cit.*, 88.

⁴⁷ Reading *לדרוש* for *לדריש*.

lucid and practically without flaw. It tells its story simply directly, objectively and with vividness and effect. The entire procedure is unfolded stage by stage, with each new step following naturally and almost necessarily upon that which precedes. There are no gaps in the narrative whatever. Above all, the entire procedure upon IX/24 now becomes thoroughly intelligible, and the emotional, stimulating effect of this sacred day and its ritualistic observance upon the people, prompting some of them to spontaneous, immediate, decisive action, even before the work of investigation and preparation of the lists of those who had contracted intermarriages was systematically begun, readily comprehensible.⁴⁸

⁴⁸ Torrey, pioneering almost forty years ago, in the solution of this complex and difficult problem, not at all unnaturally proposed that Neh. 9.1-10.40 be transposed from its present position and linked to Ezra 10.44 as its original immediate continuation. This was, especially for its day, a daring proposal. Quite naturally it aroused much dissension. But, manifestly, it pointed the way magnificently to the correct solution of the problem. However, this particular rearrangement created one insuperable difficulty. Following after Ezra 10.17, it necessitated the interpretation of "on the twenty-fourth of this month" of Neh. 9.1 as referring to the twenty-fourth of the first month. This interpretation leaves unanswered the question, why, assuming that no festival nor sacred day intervened between IX/20, when the assembly convened, which Ezra had summoned and before which he laid his program of separation from foreigners, and X/1, when the actual task of making the investigation and preparing the lists of men who had taken foreign wives, was begun, did Ezra and the leaders of the people wait those ten important days before inaugurating their delicate and difficult undertaking, and thus give opportunity for the emotional enthusiasm, with which the assembly had approved the program, to evaporate. Also it fails completely to account for the assembly of the people with rites of fasting, mourning and confession of sin upon the supposititious date, I/24, a day which in no Israelite nor Jewish calendar has ever had any particular significance. Moreover, it would be inexplicable that, after the completion of the investigation and the preparation of the lists of those who had married foreign women had been completed upon I/1, and the magnitude of the offense and the identity of those who were responsible for it had been completely established, the people should have waited twenty-three days to assemble again in Jerusalem and perform ceremonies of mourning and confession of sin. And this would be all the more inexplicable when we remember that the entire celebration of the great Passover-Matzot Festival, with its assemblage of the people at the Temple in Jerusalem, would have intervened between the completion of the lists and the observance

But granting the justification of this reconstruction of the text of Ezra 10.9-17; Neh. 9.1-2; 10.29-31 and its interpretation in the manner proposed above, then it follows that we have recovered another, most illuminating instance of the celebration of IX/24 as a day of solemn assembly in Jerusalem and of performance of important religious rites, undoubtedly at the Temple site, in the early post-exilic period. And here our previous surmise finds strong confirmation; for here it is stated explicitly that upon this day the people practiced rites of fasting, mourning and self-humiliation.⁴⁹ Were it not that we have already had reason to believe that fasting was one of the customary and traditional rites of the celebration of this sacred day, an assumption of which we shall have even more convincing proof shortly, we might have explained these specific rites upon this particular occasion as expressions of the consciousness of grievous sin and of attendant sorrow and desire for atonement upon the part of the people. But the cumulation of evidence points indubitably to the conclusion that, however else it may have been observed and whatever additional rites may have been performed upon it, IX/24 was, during the early post-exilic period, and as late as the time of Ezra, regularly a day of mourning, fasting and self-humiliation.

We can also readily infer the answer to our question, why

of this day of fasting and confession of sin. Finally, this dating of the assembly upon 1/24, over three months after the inauguration of the program, makes it totally impossible to account for the manifest sincerity and spontaneity of all that took place upon "the twenty-fourth of this month," as recorded in Neh. 9.1-2. For these reasons it is impossible to conceive that this assembly of the people and these rites could have transpired upon 1/24. But just because of all these considerations, IX/24, observed from of old, as we shall soon have established completely, as a fast day and coming but four days after the initial assembly and seven days before the inauguration of the investigation, becomes the natural and logical occasion for these otherwise inexplicable rites and the attendant circumstances and finds its proper place in the unfolding of the successive stages of this entire, momentous episode in Jewish history.

⁴⁹ For putting earth or dust upon the head and body as a rite of deep mourning, cf. Westermarck, *Ritual and Belief in Morocco*, II, 439-441; Jastrow, "Dust, Earth and Ashes as Symbols of Mourning among the Ancient Hebrews," *JAOS*, XX (1899), 133-150.

the preparation of the lists of those who had contracted intermarriages with foreigners, a most urgent task, as we have seen, was not begun until X/1, the eleventh day after the proclamation of Ezra's decree and its approval by popular acclaim, and the eighth day after the celebration of the sacred fast day upon IX/24. I have shown elsewhere⁵⁰ that in ancient Israel several annual festival periods were observed, each extending over seven or eight days, with the first day of such celebration a day of fasting and mourning. In all likelihood, and in fact in almost complete certainty, we have here the record of another such festival period, which began on IX/24 and continued for seven days, through IX/30. And, conforming to pattern, the first day of this seven day festival period was one of mourning and fasting. It must have been a festival of such solemn and compelling character that all ordinary work was discontinued, or at least no new tasks were begun, throughout its seven days duration. For this cogent reason even the preparation of the lists of those who had contracted intermarriages could not be inaugurated until X/1, the day following the termination of the festival. Not improbably the majority of the assembled people remained in Jerusalem during the entire festival week. All this becomes clear from our reconstruction and interpretation of this important record.

We have thus far had three different instances of the celebration of IX/24 as a sacred day of deep import, upon which the people from the towns and villages of Judah assembled in Jerusalem for the offering of sacrifices and the observance of a day of mourning, fasting and self-humiliation. All these instances are from the early post-exilic period, one from 520 B. C., the second from 518 B. C., and the third from the time of Ezra, approximately sixty years later. One more instance remains to be considered, not so precisely dated and therefore not quite so certain as to its date within the ninth month as the three already considered, and yet, with the evidence of these three precisely dated instances firmly established, itself, in turn, with quite a large measure of probability and even of certainty, likewise celebrated upon IX/24.

⁵⁰ "Two Ancient Agricultural Festivals."

Jer. 36 records the prophet's dictation of his earlier messages of the doom of Judah to Baruch and the latter's writing them down in scroll form. The prophet then charges Baruch (v. 6): "Thou shalt go and read in the scroll which thou hast written at my dictation the words of Yahweh in the ears of the people at the Temple on a fast day, and likewise in the ears of all Judah who come from their towns shalt thou read them." The narrative then continues (v. 9): "Now in the fifth year of Jehoiakim, son of Josiah, king of Judah, in the ninth month,⁵¹ all the people in Jerusalem proclaimed a fast before Yahweh, and also all the people who were coming from the towns of Judah, in Jerusalem.⁵² So Baruch read in the scroll the words of Jeremiah in the Temple . . .⁵³ in the upper court at the entrance of the New Gate in

⁵¹ This is a most conclusive piece of evidence, in addition to that already cited ("The Three Calendars of Ancient Israel," 22 ff.; "The New Year for Kings," 442 ff.) that in Judah during the period immediately preceding the exile the New Year's Day was observed in the seventh month. For Jer. 36.1 records explicitly that Jeremiah dictated his words to Baruch in the fourth year of Jehoiakim, *i. e.* in 605-4 B. C.; but the scroll was not read to the people until in the ninth month, in the fifth year of Jehoiakim, *i. e.* near the very end of 604 B. C. Undoubtedly Jeremiah waited only for the first suitable occasion after the completion of the scroll, the first large gathering of the people in the Temple at Jerusalem, to have Baruch read the scroll to them. Certainly not more than a few months could have elapsed between Baruch's completion of his scribal task and the public reading of the scroll. Yet during this interval of a few months at the most the fourth regnal year of Jehoiakim came to an end and the fifth year began. The ninth month fell in this fifth year. It follows therefore that the New Year's Day, from which the reckoning of the regnal years of the kings of Judah during this period was computed, must have fallen but a relatively short time before the ninth month. And for this, of course, the seventh month, and the day of the fall equinox therein, viz. VII/10 (cf. "The Three Calendars of Ancient Israel," 22-58) was the natural and certain occasion.

⁵² It is not necessary, with Giesebrecht, to omit בירושלם at the end of the v. as a gloss or dittograph. It may well be construed with לפני יהוה and designate specifically the place where the fast was to be observed.

⁵³ The passage, . . . בסוכה . . . הספר is certainly a gloss here; for, on the one hand, Baruch could not have been in this chamber and also at the gate of the upper court at one and the same time, and, on the other hand, this chamber is referred to again in v. 12 as located at a different spot in the Temple structure.

the hearing of all the people."⁵⁴ The entire procedure is simple and easily comprehensible.

The basic question for our study is whether this fast in the ninth month was a regular annual sacred occasion or a special fast, proclaimed because of some specific happening of calamitous character for the nation, for the amelioration of the evil effects of which the people must make intercession with the Deity. The text itself gives no indication whatever of the occasion of this fast neither in one direction nor the other. Duhm, Cornill and Giesebrecht have assumed, quite gratuitously, that this was a fast proclaimed to deal with a special occasion. They assume further, however, without the slightest hint or suggestion from the text, that the early rains had not fallen and that in consequence deficient crops with resultant famine threatened for the following year. But there is not only absolutely nothing in the narrative to suggest this, but also the very fact that the king found it necessary to heat the room in which he was sitting when the scroll was read before him, suggests that at the moment the weather was cold and damp, quite as if the rain had fallen in normal manner.

These scholars also interpret the expression, קראו צום, "they

⁵⁴ For the name, "the new gate," as in all likelihood a designation for the eastern gate of the Temple, cf. "The Gates of Righteousness," note 42, pp. 19-23. It was therefore probably at this very same spot that a little more than five years earlier Jeremiah had delivered his famous "Temple address" (Jer. 7 and 26). That was on the occasion of the celebration of the Asif-New Year's Day Festival, when the eastern gate of the Temple was open. This raises the question whether upon this fast day, too, upon IX/24, this eastern gate was open. However, because of total lack of evidence we can merely ask, but cannot answer this question. But on the whole the greater likelihood is that this gate was not open upon this occasion since it seems to have been opened only upon the two annual equinoctial days, so that the first rays of the rising sun upon these two days might shine in through its open portals. Therefore Baruch selected it as the proper place for him to read the scroll to the people probably for some other reason. Undoubtedly the "Temple address" was included in the scroll, and the reading of this address, delivered at this very same place only a few years previously, together with the remaining contents of the scroll may well have reminded the people forcibly that Jeremiah was the author of the prophetic message which they were now hearing read by Baruch.

proclaimed a fast," as indicating that this was a fast for a special occasion, arguing, at least by implication, that had it been a regular annual sacred day there would have been no need nor justification for formal proclamation. But this does not follow at all; for unquestionably, with the calendar system then in vogue in Israel and Judah, every sacred occasion, even the regular annual festivals, had to be formally proclaimed by the proper state or ecclesiastical authorities and the exact day for its celebration fixed and publicly announced.⁵⁵

These scholars cite 1 Ki. 21.9 and Joel 1.14; 2.15 to support their thesis; but this evidence is inconclusive. We have learned already that during the biblical period there were quite a number of regular annual fasts in the religious calendar of the Jewish people. We have heard of such fasts in the fourth, fifth, seventh and tenth months, and in this study we have learned specifically of a regular annual fast also in the ninth month, upon the twenty-fourth day thereof. We shall learn in due time that there may well have been as many as seven such regular annual fasts in the religious calendar of ancient Israel. These fasts were approximately fifty days apart, for the agricultural year was divided into seven periods each approximately of fifty days; and each fifty-days period seems to have begun with a fast day.⁵⁶ Therefore there was never any very long wait for a regular fast day to come about.

1 Ki. 21.9 probably means no more than that on the next ensuing regular annual fast day Jezebel dealt with Naboth in the manner there indicated.⁵⁷ Joel 1.14; 2.15 likewise probably mean no more than this; for with the expression, קרשו צום, they

⁵⁵ Cf. Neh. 8.15. Similarly here in the United States the celebration of Thanksgiving Day, a regular annual holiday, is each year proclaimed by the President, although the entire nation knows in advance that the festival will be observed and the exact day thereof.

⁵⁶ Cf. "Two Ancient Israelite Agricultural Festivals." ←

⁵⁷ The narrative seems to imply that Naboth was, by Jezebel's command, set over the people while they sat at the table, for this is the natural implication of the fact that two men sat opposite him. Sitting at the table in this manner undoubtedly implies, in turn, a communal meal, one which, no doubt, formally terminated the fasting of the first day of the festival and at the same time inaugurated the ceremonies of the ensuing days of the festal period. And the fact that Naboth could be charged, of course with some measure

link the parallel expression, קראו עצה. The עצה was the concluding day of one of the seven annual divisions of the year of this oldest Semitic calendar, the agricultural pentacontad calendar.⁵⁸ More specifically, especially in the later Judean calendars, עצה seems to have designated the concluding and climactic day of the two greatest annual festivals,⁵⁹ the one of eight days and the other of seven days. Inasmuch, too, as these festivals seem to have begun regularly with a fast day, a צום, and to have ended with a day of "shutting off," of "conclusion," an עצה, obviously the two days, צום and עצה, bore a reciprocal relation to each other, and, when used together, as in Joel 1.14; 2.15, they seem to designate no more than the entire seven or eight days festival period. Joel 1.14 ff.; 2.15 ff. seem then to say no more than that the prophet bids the people to observe the great annual festivals, usually occasions of good omen for the nation and of general rejoicing, as festivals of bad omen and of national doom. Certainly in none of these instances is there reason to believe that aught but one of the regular annual fast days was contemplated.

Manifestly this, too, is the natural explanation of the fast in the ninth month of Jer. 36.9-10. It may be assumed that the process of dictation by Jeremiah and of transcribing by Baruch was slow and arduous and may well have required several months. It began in the fourth year of Jehoiakim, very probably in the closing weeks thereof.⁶⁰ Equally probably it may not have been completed until the fifth year of this king was well under

of plausibility, with having blasphemed both Deity and king, suggests further that he must have done this in a moment of irresponsibility and unguardedness, in other words while drunk. And this, in its turn, suggests still further, since obviously Jezebel must have anticipated just this course of things, that drinking, even to excess, was a normal feature of these communal meals or banquets which terminated the fast day and marked the transition to the more joyous celebration of the remaining days of the festival.

⁵⁸ Cf. Julius and Hildegard Lewy, "The Origin of the Week and the Oldest West Asiatic Calendar," *HUCA*, XVII (1942-1943), 1-152c, and the concluding portion of this study, scheduled to appear in a subsequent volume of *HUCA*.

⁵⁹ Cf. "Supplementary Studies in the Calendars of Ancient Israel," note 100, pp. 64-66.

⁶⁰ So also May, "The Chronology of Jeremiah's Orations," *JNES*, IV (1945), 223a.

way; quite certainly not until after the regular fast of the seventh month.⁶¹ Quite likely it was not completed until well into the eighth month of that year.⁶² Jeremiah's charge to Baruch is actually to wait until the next regular annual fast day is proclaimed, when the people will assemble in Jerusalem from all parts of the country, and to take advantage of this occasion to read the scroll publicly. This is the most natural implication of the passage, since just this was the frequent procedure of the prophets.⁶³

But granting this, then it follows almost necessarily that the fast in the ninth month here referred to, when the people gathered from all parts of the country in Jerusalem at the Temple, could have been naught but our sacred day, IX/24.⁶⁴ And admitting the correctness of this argument and its conclusion, it must follow, in turn, that IX/24 was regularly observed as an established religious institution already in the pre-exilic period. And this suggests, in its turn, that its origins must be sought in a relatively early period of Israel's history.

We have thus found four distinct and incontrovertible instances of the celebration of IX/24 as an annual sacred day of deep import in Judah, at least in the period ranging from the seventh to the fifth centuries B. C., and undoubtedly in earlier times as well. Its observance was characterized by the assembling of the people in great numbers from all parts of the country in Jerusalem at the Temple, by rites of fasting, mourning and self-

⁶¹ Which would have fallen still within Jehoiakim's fourth year, since it occurred on VII/3, and the fifth year did not begin until VII/10.

⁶² Whether a regular annual fast day was observed during the eighth month we do not know, for lack of evidence.

⁶³ Cf. Amos at Bethel and Jeremiah's Temple address, both upon the New Year's Day, and Haggai's two addresses upon IX/24. If we were able to determine the actual occasions upon which other prophetic addresses, both of these and other prophets, were delivered, we would undoubtedly find that many of them were sacred days, when the people gathered in vast numbers in Jerusalem and Bethel, and the prophets were thus assured of large and representative audiences.

⁶⁴ For it may scarcely be supposed that more than one regular annual fast day was observed in the ninth month. Why May (*op. cit.*, 223a) should conclude that this happened on IX/I is not clear.

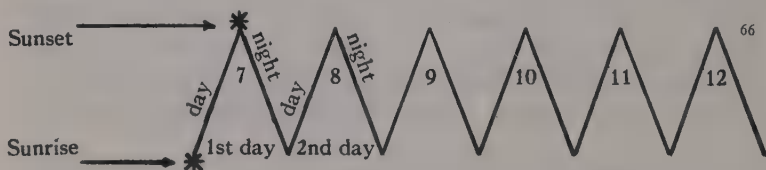
humiliation and the offering of sacrifices. Moreover, there are some indications that it was in itself merely the first day of a larger holy period, which extended over seven days.

But from all this it does not follow yet that this fast day on IX/24, with its attendant seven days festal period, could have been the antecedent of, or have had any connection with, Cha-nukkah, which began on Kislev 25 and continued for eight days.

III

IX/24 = KISLEV 25 IN PART

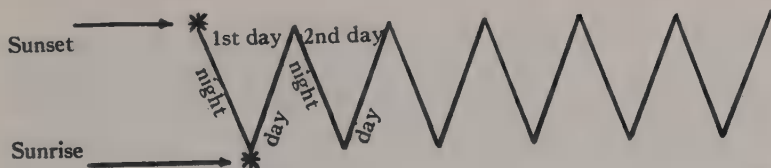
In a study of the successive calendars employed in ancient Israel I showed that at some time during the fourth or third centuries B. C. the Jewish calendar, both civil and religious, underwent drastic changes.⁶⁵ One of the most momentous of these changes was in the method of reckoning the day. Previously the day had been reckoned from morning to morning, presumably from sunrise to sunrise. Under this system, the light portion was the first half of the day and the dark portion, the night, was the second half. Such a day, or rather succession of days, might well be diagrammed thus:



Under the new system, with the day reckoned from sunset to sunset, the diagram naturally takes this form:

⁶⁵ "The Three Calendars of Ancient Israel," "Supplementary Studies in the Calendars of Ancient Israel," and especially pp. 15-28 of the latter.

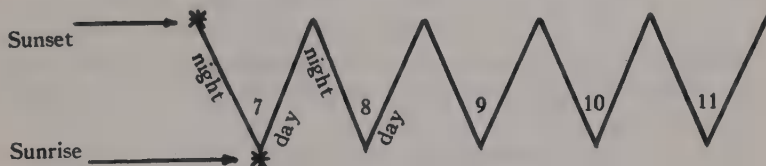
⁶⁶ The numeral in the apex of the angle designates the assumed day of the month. I begin this diagram with a theoretical date, the 7th of the month, and terminate it with the 12th. The reason for this is to cover the 9th of the month with ample leeway on either side for illustrative purposes. The grounds for desiring to thus cover the 9th of the month will become clear shortly.



It is noticable immediately that this second diagram does not record the day of the month. The reason for this is that the system of enumerating the day of the month under this new method of time-reckoning, which now came to be generally employed by the Jews,⁶⁷ must still be determined.

For it is obvious at a glance that this new system of time-reckoning involves a shifting of the precise moment of beginning the day, from sunrise to sunset, by a half-day. And second thought shows immediately that this shift might have been made in two directions, either backwards or forwards; i. e. the moment at which the day now began under the new system might have been reckoned from the sunset which preceded the sunrise which marked the beginning of the day under the old system, or it might have been reckoned from the sunset which followed that sunrise. Diagrams III and IV will illustrate the alternative resultant conditions as these affected the dating within the month. These diagrams must, of course, be compared carefully with Diagram I, for the full import of the change to become apparent.

III (Reckoning the day from the *preceding* sunset)



By this reckoning it is seen that the seventh day of the month, for example, would begin one half day *earlier* than under the

⁶⁷ Observed by the Jews generally, but, as I hope to show in a later study; with certain variations in practice of far-reaching import for both Judaism and Christianity.

actual duration of the observance of the festival even more precisely. It provides that the festival should be celebrated from evening to evening, i. e. from sunset to sunset, beginning on the ninth of the month and continuing through the tenth. There is no implication here that the festival should be celebrated partly upon VII/9 and partly upon VII/10. The meaning of v. 26 is plain; the festival celebration covers the entire day, VII/10. Obviously, too, the day begins at sunset and ends at the following sunset.

There would be no need whatever for v. 32, with its precise timing, or at least there would be no need nor justification for the specific statement that the beginning of the observance of the festival was to be on the ninth day of the month at eventide and that its observance was to continue from evening to evening, were it not that the author is seeking to define the precise meaning of the equally specific statement of v. 26, that the celebration was to be on VII/10. Evidently he laid great stress upon the celebration of the festival, not merely in the proper manner, but also at precisely the proper time. Accordingly, it is clear, he formulated the exact period of the festal celebration, the precise moment of its beginning and the precise moment of its termination, in terms of, not one, but two systems of reckoning the day, the older system, according to which the day extended from sunrise to sunrise, and the new system, according to which the day extended from sunset to sunset.

Obviously this legislation must have been formulated at a time following shortly upon the introduction of the new system of time-reckoning, when the memory of the older system was still quite lively, and when, perhaps, there were still those, conservatives and reactionaries, who, unwilling to approve and employ the new system, persisted in using the older system wholly or in part.⁶⁹ Or, perhaps, the legislators, in their wisdom,

⁶⁹ From this it follows that the new system of time-reckoning could have preceded the inauguration of the observance of VII/10 as Yom Kippur by very little. Scholars have long recognized that Yom Kippur is a relatively late institution in the Jewish religious calendar. As we have seen (above, pp. 21 f. and "Supplementary Studies in the Calendars of Ancient Israel," 72 ff.), still in the days of Ezra, in the middle of the fifth century B. C., VII/10 was observed as the New Year's Day, and Yom Kippur had not yet been thought

anticipated and answered the not improbable question; the tenth of the month, yes, but under which system of time-reckoning, the old or the new?

Their answer is unmistakable in its import. It is clear that in their legislation they themselves employed the new system, for they provided specifically that the celebration should extend over one full day, VII/10, and that its duration should be from evening to evening. For them certainly the day began at eventide and ended at the following eventide. Therefore v. 32 says practically this: For those of the people who still employ or still in their own practice reckon time in terms of the old system, let it be understood that the festival begins at eventide of what they count as VII/9, and concludes the following day at the same moment.

This makes it clear completely and immediately that what was, under the old system, still VII/9, the period from eventide to sunrise, the second half of the day under that system of time-reckoning, is now, under the new system, VII/10, the first half of this day. And this, in turn, makes it clear that the responsible authorities who inaugurated the new system, must have employed what we have designated as System III in our series of diagrams. The day is now reckoned from the evening *preceding* the morning with which under the old system the day had regularly begun. The result is that what had formerly been the second half of VII/9, the night half, is now a part of VII/10, the first half of

of. In all likelihood Yom Kippur was instituted at some time during the fourth century B. C. Accordingly this change in the method of reckoning the day was introduced probably during the same century. Unfortunately we know far less of the history of the Jewish people and of the development of Judaism and its institutions in the fourth century B. C., and especially in the first two thirds of this century, the period preceding the advent of Alexander, than in almost any other era. There is an almost complete lack of definite source-material bearing upon the specific events of this period. Were we better informed, we might be able to determine the circumstances which called forth this change in the system of time-reckoning and the inauguration of VII/10 as Yom Kippur. This, however, is beyond our reach, at least with the present state of our knowledge. But this much we may infer, that conditions and circumstances of far-reaching import must have produced during this period not only these very significant reforms, but also a thorough-going reorganization of the entire religious calendar of Judaism (cf. "Supplementary Studies in the Calendars of Ancient Israel," 72-148).

that day under the new system of time reckoning. And correspondingly with all the other days, not only of the seventh month, but of all months.

This conclusion is completely confirmed by consideration of the dating of the Passover Festival in Ex. 12.6, 14, 18-19.⁷⁰ Under the older system the Passover was celebrated by itself as a distinct festival upon the night of I/14. The Matzot Festival, still a separate religious institution, only loosely coordinated with the Passover, began only the next morning, specifically designated as I/15, and continued for seven full days, i. e. until sunrise of I/22.⁷¹ Obviously the day is here reckoned from morning to morning. But according to Ex. 12.18-19, not only is the Passover element of the now fused and completely unified Passover-Matzot Festival celebrated during the night of I/14, but also the eating of Matzot, and with this, of course, the celebration of the ancient Matzot element of the combined festival, likewise begins at eventide of I/14 and continues for seven full days, i. e., as v. 18 states specifically, until the evening of I/21. Clearly here not only is the day reckoned from evening to evening, but the beginning of the celebration of the Matzot festival has been advanced from the morning of I/15, to the preceding evening.⁷²

* All this evidence determines clearly what transpired when the new system of reckoning the day was inaugurated and shows just

⁷⁰ Cf. *ibid.*, 26.

⁷¹ Lev. 23.5-8.

⁷² Actually there is still not a little confusion in the system of time-reckoning here employed; for, according to what has already been established, this very evening should have been counted as I/15 instead of as I/14. Actually it must have been so counted in the calendar of normative Judaism, for in this, and continuing to the present day, disregarding completely the explicit instruction of Ex. 12.18, the Passover begins, not upon I/14, but upon I/15, and terminates, not at eventide when I/21 begins, but at eventide when I/22 begins. Manifestly there is something in the dating of the Passover in Ex. 12 which is altogether anomalous. There are other equally strange matters in this chapter, all of far-reaching significance. I hope to discuss this entire matter and to resolve this confusion at some future time in a study to be entitled "The Passover, the Crucifixion and the Resurrection." For our present purpose it suffices to note that in Ex. 12 the celebration of the Matzot Festival is moved up from the morning at which it began originally to begin henceforth on the evening preceding.

how this affected the celebration of the various festivals of the religious calendar, and especially the precise moment when their celebration began.

But all this establishes with absolute certainty one fact of tremendous significance for our study. During the early period of Israel's cultural evolution and continuing through the age of Ezra and Nehemiah the annual solemn fast day upon IX/24 must have begun at sunrise and terminated with the following sunrise. But with the change in the system of reckoning the day, the second half of this day, beginning at eventide, ceased to be reckoned as IX/24, and came now to be counted as the first half of IX/25, or, as it was designated after the use of the Babylonian month-names supplanted the earlier designation of the months by number,⁷³ Kislev 25. But this was the date of the beginning of the Chanukkah festival.

And inasmuch as we have already had reason to believe that the Syrian festival, upon which the Jerusalem Temple had been defiled and dedicated to the worship of the chief Syrian deity, Zeus Olympios, and upon which the Chanukkah festival was instituted by Judah Maccabee, had been celebrated at least as a folk-festival in Judah in pre-Maccabean times, and that the eight days period of celebration and the various fire-rites of the Chanukkah festival had derived from this older folk-celebration, the question arises immediately, what, if any, was the connection of the Chanukkah festival and its antecedent Jewish folk-festival and the accompanying Syrian festival with the ancient Jewish fast day upon IX/24 and the seven days festival which this fast day apparently inaugurated.

IV

FIRE RITES IN SEMITIC RELIGIOUS FESTIVALS OF THE FALL EQUINOX

We must now turn our attention directly to the peculiar fire rites of the Chanukkah Festival and inquire as to their origin and implication. This problem is complex, and the evidence bearing

⁷³ Cf. "The Three Calendars of Ancient Israel," 19-21.

upon it will range over a wide field. And not at all surprisingly, our approach must be from the consideration of fire rites in the ritual of another, though, as we shall learn in due time, closely related festival.

We have already had reason to correlate the kindling of fires in the towns of Judea and the streets of Jerusalem and the burning of incense and offering of sacrifices at the entrances of houses, which formed such an integral part of the celebration of the original Chanukkah Festival or, perhaps better, of the Syrian festival antecedent to Chanukkah,⁷⁴ with the custom recorded in Jer. 7.17-18.⁷⁵ This passage reads: "Dost thou not see what they are doing in the towns of Judah and in the streets of Jerusalem? The children⁷⁶ gather the wood, and the fathers kindle the fire, and the women knead dough in order to make cakes for the Queen of Heaven, together with pouring out libations to other gods, with the result that it enrages Me." As I have shown elsewhere,⁷⁷ Jeremiah's Temple address was delivered during the course of the annual Asif Festival at the close of the year, and, most probably, upon the climactic day of the festival, the New Year's Day, when the eastern portals of the Temple were open. The rites here denounced by the prophet were undoubtedly a very important part of the folk-celebration of this great festival, which the prophet, certainly with ample reason, regarded as performed in honor of deities other than Yahweh and as not at all consonant with true and proper Yahweh worship. V. 34 seems to intimate further that during the festival, and no doubt in conjunction with these very folk rites, the streets of Jerusalem rang with the sounds of merry-making and gladness.⁷⁸

⁷⁴ Above, pp. 4 f.

⁷⁵ Above, p. 4.

⁷⁶ Or "the boys."

⁷⁷ Cf. "The Gates of Righteousness," note 42, pp. 20 ff.

⁷⁸ The references to the voices of bridegrooms and brides implies undoubtedly that the week of the Asif Festival, at the conclusion of the harvest season, when the work in the fields was practically finished and the Judaeans peasants were preparing to resume their sojourn in their permanent homes, after dwelling out in the open during the greater part of the harvest season, was a favorite time for the solemnization of marriages. If so, then, of course, during the week of the Asif festival, in a very literal sense, the streets of Jerusalem would resound with the voices of the many bridegrooms and brides and the rejoicing of the various wedding parties. It is a well-established custom among many

That this custom was well established and widespread in Jeremiah's day is evidenced by 11.12-13: "And the towns of Judah and the inhabitants of Jerusalem will go and cry unto the gods to whom they were burning,⁷⁹ but these will not be at all able to deliver them at the time of their calamity. For (as) the number of thy towns are thy gods, O Judah, and as the number of the streets of Jerusalem have ye set up altars for the shameful thing."⁸⁰ Chapter 44 records that the Jewish refugees in Egypt continued to practice in this land of their migration the very same rites as described in 7.17-18, with the women still baking, in the fires kindled by the men, cakes in honor of the "Queen of

agricultural peoples that marriages are celebrated, never during the harvest season, when, among other considerations, time is too precious for an occasion even as important as marriage, but only at moments either preceding the beginning or following the conclusion of the harvest; cf. Westermarck, *Ritual and Belief in Morocco*, II, 9; Trachtenberg, *Jewish Magic and Superstition*, 255. On the other hand, it is interesting to note that what is in reality the reverse practice obtains in Morocco; for during the semi-sacred period beginning on the 1st of Muharram and continuing through the 10th, 'Asûra Day, the very period therefore, which, as we shall see, corresponds in Islamic practice to, and even had its origin in, the ancient Israelite Asif Festival, with its culmination in the New Year's Day on VII/10, the period therefore in which, so it seems, marriages were in Israel regularly performed in great numbers after the close of the harvest season, in Morocco no marriages at all are performed (Doutté, *Magie et Religion dans l'Afrique du Nord*, 509). This prohibition is of almost the same significance as the practice itself.

⁷⁹ קטר in the *pi'el* has more than the narrow and specific connotation, "to burn incense." In the *hif'il*, הקטיר, the verb is employed regularly to describe the burning of the sacrificial animal or any portion thereof upon the altar. It is not at all improbable that, especially with reference to the early period of Israelite history, the verb in the *pi'el* may likewise have had the more general implication. The earliest specific mention of incense in biblical literature seems to be in Isa. 1.13. In Deut. 33.10 the cognate noun, קטורה, is in parallelism (though whether synonymous or complementary parallelism is not clear) with כליל, "whole sacrifice." On the other hand, even if this be granted, it is not at all impossible that by the time of Jeremiah incense of some kind, or at least something which emitted a distinctive odor, was regularly burned in these fires; cf. below, pp. 65 f.

⁸⁰ I. e. for Baal. The last three words of the v., מובחות לקטר לבעל, manifestly superfluous and awkward, are probably an explanatory marginal gloss. Quite probably, too, לבשת is itself, in conformity with the traditional practice an editorial substitution for an original לבעל.

Heaven."⁸¹ Vv. 9-10; identify these rites, now practiced in Egypt, with those which had been practiced throughout Judaea and in the streets of Jerusalem, and which had not been suppressed even until that unhappy day. Because of this stubborn, faithless, idolatrous worship the prophet called down the wrath of Yahweh upon these Jewish exiles in Egypt and predicted their utter doom. But, undeterred by the prophet's dire words, the exiles, both men and women, persisted in their peculiar rites and ceremonies, arguing that, although they had discontinued these particular rites for a time,⁸² their fortunes had not improved, but had grown only worse,⁸³ and therefore they would now defiantly

⁸¹ For the "queen of heaven" cf. "A Chapter in the History of the High-Priesthood," pp. 7 f., note 22, and in particular what is there written about the cakes, stuffed with raisins and moulded, before baking, into the form of the ancient Semitic mother-goddess, with which the Palestinian peasants still today celebrate the festival at the end of the fast of Ramadan, as recorded by Macalister (*PEF*, 1908, p. 75).

⁸² This refers undoubtedly to the period, 621-608 B. C., the last thirteen years of Josiah's reign, when the official law of the land, promulgated by royal decree, was the Deuteronomic Code. This Code made difficult or impossible the observance of festival institutions and religious ceremonies such as these fire rites, manifestly because they were regarded by the Deuteronomic legislators as non-Yahwistic, and therefore as having no rightful place in the proper worship of Yahweh. With the accession of Jehoiakim to the throne the Deuteronomic Code seems to have been practically, if not formally, abrogated. With this the old religious folk-customs and institutions seem to have been revived and come to flourish with renewed vigor. Probably even during the brief period when the Deuteronomic Code was in full force they had not been completely suppressed, at least in certain less accessible sections of the country.

⁸³ Notice that this is in reverse precisely the same pragmatic argument as was employed by Zechariah in his address to the people assembled at the Temple site in Jerusalem upon the second anniversary of the laying of the foundation-stone of the Temple, upon IX/24, 518 B. C., viz. that the general prosperity of the people during these two years, which contrasted so decidedly with the economic conditions which had obtained during the period immediately preceding this auspicious event, proved the pleasure of the Deity with this act and His consequent favor towards them. Precisely the same argument is employed in Deut. 28, and especially in the original D₁ nucleus of that editorially greatly overworked chapter, to enforce the program of the Deuteronomic Reformation as this was embodied in the original Deuteronomic Code. This may be regarded as further evidence that it is to the period, 621-

carry on the performance of these rites. Actually the prophet's prediction was unfulfilled. The Jewish community in Egypt survived for at least seven centuries, and these peculiar fire rites, which they had brought with them to their new homeland, undoubtedly persisted among them and, as we shall see, probably even found their way into the folk-practice of other North African peoples.

From this evidence it is obvious that in Judah at the time of Jeremiah the kindling of fires played an important role in the folk-celebration of the Asif Festival, and that this was regarded by the prophet, and undoubtedly also by the Deuteronomic reformers of the last quarter of the seventh century B.C., as a folk-ceremony of non-Yahwistic origin and character, still performed in that day by the people more or less consciously in the worship of the Queen of Heaven and other closely related astral deities, and as therefore utterly out of place in the true and approved Yahweh cult.

But in the post-exilic period, and seemingly beginning fairly early therein, this condition changed radically. These fire rites as we shall see, were shorn of their most extreme non-Yahwistic elements and, thereby greatly modified, were incorporated into the formal worship of Yahweh and were centered in the Temple itself in the ceremonial of the Sukkot Festival, the successor, as we have seen, of the pre-exilic Asif Festival. Isa. 30.29 makes specific mention of the night ceremonies in the celebration of the Sukkot Festival in the Temple. These were ceremonies, so the clear implication is, of extreme rejoicing and merrymaking, characterized in particular by singing and by festal processions to or in the Temple accompanied by the blowing of the flute. Ps. 134.1; 135.2 speak of the worshipers of God who stand in attendance or waiting upon Him⁸⁴ during the nights in the Temple courts. The implication of these two passages is unmistakable.

608 B. C. when the Deuteronomic Reformation was in full force, that Jer. 44.17-18 refers. Obviously this pragmatic argument had quite as much popular appeal in those early days as it still has in this late day of enlightened and progressive religious thinking.

⁸⁴ For this connotation of עָמַד cf. "A Chapter in the History of the High-Priesthood," note 82.

In rabbinic literature we hear much of the ceremonies of the שמחת בית השואבה "The rejoicing of the house of the water-drawing."⁸⁵ During all the nights of the Sukkot Festival the people, both men and women, were assembled in the court of the Temple. In the early period of the celebration of these rites there seems to have been so much frivolity, even bordering upon license, between the sexes that the authorities finally found it necessary to erect balconies in the Temple court, to which the women were restricted, while the men remained in the court below. During the entire festival the people strove to participate actively and eagerly in all the ceremonies, and for this purpose to remain awake from the beginning to the very end of the festival. When they did fall asleep of sheer exhaustion, it was with heads resting upon the shoulders of their neighbors. Festal processions were held to the music of flutes^{85a} and with the *lulab*, the festal bundle of the four plants, listed in Lev. 23.40, carried in the hands of the participants. These ceremonies, particularly as most recently interpreted by Patai, seem to have culminated in the rite of the pouring of the water, drawn from the spring of Siloah and carried from there in a special vessel and in solemn, festal procession, from aloft upon the altar. This was unmistakably a homoeopathic magical ceremony, simulating the fall of rain from heaven upon the earth, and designed to cause the rain to fall. All the attendant rites were closely linked, in one way or another, with the attainment of this one major purpose. So Patai has interpreted, and with unchallengeable correctness, the entire ritual of the שמחת בית השואבה.

Of particular interest for our study are the fire ceremonies of this ritual. In the courtyard of the Temple stood candelabra of unusual height, each with four large bowls or basins on its top. Ladders led up to each of these bowls. On each ladder stood a

⁸⁵ All the evidence bearing upon these peculiar and interesting rites has been collected in responsible manner by Patai, *אדם ואדמה*, II, 161-192 and ably interpreted. There is therefore no need to here laboriously quote this material anew and cite its sources. It suffices merely to state briefly here those elements of the ritual connected with the fire rites which concern us in this study.

^{85a} Cf. Isa. 30.29.

young scion of the priesthood, who poured oil from large pitchers into the bowls. The wicks of each bowl were made from discarded garments of the priests and so themselves had a positive measure of ritual sanctity. The illumination from these candelabra in the Temple court, so the popular belief was, was so bright that there was no courtyard in Jerusalem which was not lit up by its radiance. In fact it was so clear that women in their courtyards could husk grain by this light. These ceremonies continued through almost each entire night of the total festival period.

And not this alone, but men would dance in the Temple court with lighted torches in their hands, and would perform athletic feats which displayed extraordinary strength and dexterity. Even the most illustrious men, the foremost scholars among them, would participate in these rites. R. Simon b. Gamaliel, who seems to have been unusually expert in this particular rite, just as he was a recognized authority upon other ancient ceremonies of folk-character,⁸⁶ is reported to have juggled eight lighted torches of gold simultaneously while dancing, and to have permitted no torch to touch another or to fall to the ground. The axiom was current, that whoever has not witnessed the "Rejoicing of the house of the water-drawing" has never experienced real joy.

Manifestly the flying of the juggled, flaming torches through the air simulated the lightning, and was a secondary homoeopathic magical ceremony closely related to a major purpose of all these rites, viz. to bring rain in its proper season and so guarantee an abundant crop, adequate for the needs of the people in the new year just beginning.

It is clear that these rites must have been current in the ritual of the Sukkoth Festival in practically the entire post-exilic period, as Ps. 134.1; 135.2 evidence. Their folk-character is plainly discernible. Their connection with the festival sacrifices and the formal festival ritual, conducted during the daylight portions of the festival period, is exceedingly loose and seems somewhat forced and artificial. Recognizing this, we cannot but conclude that the kindling of the great fires or lights upon the tops of the lofty candelabra in the Temple court was naught

⁸⁶ Cf. "Two Ancient Israelite Agricultural Festivals," 31.

but the outgrowth of the fires of the pre-exilic Asif festival, kindled, in part at least, in the streets and upon the house tops, in honor of the astral deities who were thought to control the sun, the rainfall and the fertility of the land, which were denounced so bitterly by Jeremiah. The post-exilic priestly reformers, from the time of Ezra onward, were, so it seems, much more astute than were the uncompromising Deuteronomic reformers. Instead of attempting to achieve the impossible, the complete eradication of all folk-rites and institutions of non-Yahwistic origin and character, as did those earlier reformers, they seem to have compromised by stripping these rites and ceremonies of their most extreme and patent non-Yahwistic elements, sanctioning what was left, localizing these elements in the Temple and incorporating them more or less loosely into the official Temple ritual. Thus their origins, their homoeopathic magical character and their association with the cults of deities other than Yahweh were eventually forgotten completely and they survived as rites of obviously folk-character, observed chiefly because of their joyous nature, and but loosely incorporated into the formal ritual of the Temple at Jerusalem. This procedure is not at all unique in the history of ancient, homoeopathic magical folk-ceremonies. We shall see that the lights of the Chanukkah festival had a parallel history. But first we must turn our attention to another, as we shall see, closely related festival.

One of the most important and interesting sacred occasions of the Christian Church is the Festival of the Cross. It is now celebrated by the Western Church upon May 3rd. But throughout the Orient it is observed upon September 14th,⁸⁷ which corresponds to Sept. 26th of our western calendar. According to tradition this festival was instituted to commemorate the finding of the true cross by Queen Helena, the mother of Constantine, upon September 14, 326 A. D.; therefore the name, Festival of the Cross. However, the actual, historical facts seem to be these. The Church of the Anastasis in Jerusalem, erected by

⁸⁷ The Nestorians of Syria, however, celebrate the festival one day earlier, on September 13; Joh. Jeremias, "Golgotha und der heilige Felsen," *Angelos*, IX (1926), 101, note 2.

Constantine, was dedicated, with much pomp and with many bishops in attendance, during an eight days festival, beginning on September 14, 326. The manner of dedication of this great church was patterned after the biblical account of the dedication of Solomon's Temple.⁸⁸ Accordingly it was celebrated for eight days, and at precisely the same time as the Jews were observing their Sukkot festival, with which therefore it must have had direct relationship and been in considerable measure even identical. Upon the very same day upon which this church was dedicated, the true cross was discovered.⁸⁹ It was this latter event which imparted to the festival its popular name. Likewise upon this same day some three centuries later, according to popular tradition, the Emperor Heraclius brought back to Jerusalem the sacred cross, which he had recaptured from Chosroes. Undoubtedly this tradition, too, contributed not a little to the perpetuation of the popular name of the festival.

Quite significantly Evagrius⁹⁰ records that upon September 14, 462 A. D. the city of Antioch was rocked by a terrible earthquake, which did much damage. Very curiously he makes no reference whatever to the celebration of the Festival of the Cross upon this day, but he does tell of "certain excesses of the populace, which reached the extreme of frenzy, and, surpassing

⁸⁸ Therefore the festival was called by Zachariah, Bishop of Mitylene, about 540 A. D. (*The Syriac Chronicle, Known as That of Zachariah of Mitylene*, translated into English by F. J. Hamilton, D.D. and E. W. Brooks, M.A., London, 1879, p. 186), ܙܚܪܝܐ, i. e. ἐγκαίνια, "Dedication," the very same name by which Chanukkah was designated.

⁸⁹ Such is the explicit testimony of St. Silvia of Aquitania (*Palestine Pilgrims' Text Society*, vol. XVI, p. 76), who visited Jerusalem about 380 A. D., but little more than a half century after the dedication of the two churches, Anastasis and Golgotha ad Crucem, both today within the precincts of the Church of the Sepulchre; cf. also Socrates, *Ecclesiastical History*, I, 17; Theodosius, *De Terra Sancta* (in Tobler et Moulinier, *Itinera et Descriptiones Terrae Sanctae*, I, 1, p. 64); Theodoret, *Ecclesiastical History*, I, 29; Sozomen, *Ecclesiastical History*, II, 26; Nicephorus, lib. 28, cap. 28 (quoted from Dapper, *Asien*, Amsterdam, 1681, II, 362); also Thurston in *Catholic Encyclopedia*, IV, 536; Baumstark, *Festbrevier und Kirchenjahr der syrischen Jacobiten*, 258; also Mujîr ed-Dîn, in Sauvaire, *Histoire de Jerusalem et d'Hebron de Mujîr eddyn*, 34.

⁹⁰ *Ecclesiastical History*, II, 12.

the ferocity of beasts, formed, as it were, a prelude to such a calamity." Zachariah of Mytilene⁹¹ records that "Some Egyptians and Alexandrians and men from beyond the Jordan, Edomites and Arabians, came to the Festival of the Dedication, which is the making of the Cross, at Jerusalem, which was held on the fourteenth of September; and demons took possession of them and they barked at the Cross, and then ceased and went out." As-Sûyûti records⁹² that the Christians regarded the Festival of the Cross as their most important feast, upon which "they were accustomed to enact infidelity, and to drink fermented liquor and to lift up the Cross." The Moslems took advantage of these Saturnalian revels upon that day and attacked and conquered the Crusaders in Jerusalem. Even making proper allowance for Moslem exaggeration in this latter account of the Christian festival, there seems ample reason to believe that during the early period of the Eastern Church and extending to the time of the Crusaders the celebration of the Festival of the Cross was accompanied by folk-celebrations of saturnalian or bacchanalian character.

Today in Palestine and adjacent lands, in addition to the regular church worship, the celebration of the Festival of the Cross is attended by widespread folk-practices of direct significance for this study. There is a generally current tradition that, when Queen Helena found the original cross, the good news was speedily conveyed to Constantinople by means of signal-fires upon the tops of the mountains. In commemoration thereof upon the night of the festival fires are kindled upon the mountains of Palestine and in other parts of the Semitic world. Conder writes,⁹³ "About the middle of September the Maronites light fires on the hillsides, and in 1881 our Maronite servants observed this custom on the Moab hills, as though at home. Such fires are common at midsummer in many lands." Bliss tells⁹⁴ that "on Septem-

⁹¹ See above, note 88.

⁹² As-Sûyûti, the *Imâm Jalal-Addîn*, *The History of the Temple of Jerusalem*, translated by Rev. James Reynolds (*Oriental Translation Fund of Great Britain and Ireland*), London, 1836, p. 277.

⁹³ *Heth and Moab*, 287.

⁹⁴ *The Religions of Modern Syria and Palestine*, 169 f.

ber 14, the Feast of the Finding of the Cross, bonfires are kindled in memory of the signals that flashed Helena's great news from Jerusalem to Constantinople. As seen from Beyrout, the Lebanon mountainside fairly blazes with a multitude of brilliant lights." Petermann records⁹⁵ the same procedure for the year 1852; "It was the night preceding the Festival of the Exaltation of the Cross, and everywhere upon the mountains blazing fires were kindled." The same custom is reported by Kremer,⁹⁶ only singularly enough, and undoubtedly mistakenly, he calls this the Festival of St. John.⁹⁷ He says, "In the vicinity of Beyrout and in those parts of the mountains which are inhabited by Christians the Festival of St. John is celebrated upon September 15 with blazing fires which are kindled round about upon all the mountains. Elsewhere⁹⁸ Kremer writes, "Early in September is the Festival of the Cross, I'd-eš-Salīb, upon which bonfires are kindled in the gardens." Similarly Sessions remarks,⁹⁹ "I came across no traces of Baal-fires, unless the lighting of fires on the 14th of September (the Feast of the Cross), always upon the housetops, when inhabitants and guests leap over them, be a survival."

The observance of this same festival in Abyssinia under the name, Mascal, or the Cross, is described by Bent.¹⁰⁰ It is celebrated in September. A part of the ritual consists in lighting fires on high places before dawn, when oxen are slaughtered as in a heathen festival. It is celebrated also with dancing, drumming and playing the sistra throughout the night. According to Rüppel,¹⁰¹ not only are fires kindled upon the mountains of Abyssinia in the celebration of the Festival of the Cross, but also groups of men go about, each carrying a burning torch. The most illustrious and dignified men perform dances, and to the

⁹⁵ *Reisen im Orient*, I, 333.

⁹⁶ *Mittelsyrien und Damascus*, 123.

⁹⁷ The Festival of St. John occurs regularly at Midsummer; according to Bliss (*op. cit.*, 343), in Palestine upon June 24th. Certainly Kremer meant the Festival of the Cross here.

⁹⁸ *Op. cit.*, 128.

⁹⁹ "Some Syrian Folklore Notes." *Folklore*, IX (1898), 18.

¹⁰⁰ *The Sacred City of the Ethiopians*, 53.

¹⁰¹ *Reisen in Abyssinnien*, II, 41-44.

accompaniment of music and the blowing of the trumpet torch-dances are performed and food and drink are distributed in great abundance.

The most detailed and illuminating account of the Abyssinian manner of observance of the Festival of the Cross is given by Parkyns.¹⁰² "Of all their feasts, that of Mascal, or the Cross, is the one which is celebrated with the greatest amount of pomp and outward show. During the whole of the interval between St. John's day and this feast a desultory warfare is carried on between the young people of the opposite sexes in the towns. They all sally out in the evenings, the girls armed with gourds containing a filthy solution of every sort of abomination they can pick up, which they carry concealed under their clothes; while the lads are provided with nettles or thistles as weapons of offence. When any of the hostile parties meet, the contest commences by the members of each sex insulting those of the other with the most obscene and offensive language. In this warfare the female tongue, as in all countries, has, of course, the advantage. Then the boys attack the girls, nettling them about their naked breasts and shoulders, while the fair ones retaliate by discharging portions of their odoriferous compound in the faces of their assailants."^{102a}

"The evening before Mascal the ceremonies commence by a discharge of fire-arms, at sunset, from all the principal houses. Then every one provides himself with a torch, and during the early part of the night bonfires are kindled, and the people parade the town, carrying their lighted torches in their hands. They go through their houses, too, poking a light into every dark corner in the hall, under the couches, in the stables, kitchen, etc., as if looking for something lost, and calling out, 'Akho, akhoky! turn out the spinach, and bring in the porridge: Mascal

¹⁰² *Life in Abyssinia*, II, 71 ff.

^{102a} Perhaps some custom comparable to this, practiced by the Jews in the celebration of the rites of the שמחה בית השאבה in the Temple at Jerusalem, was one of the reasons for the separation of the sexes and the restriction of the women to the balconies of the Temple, where, of course, they could play only the role of observers during the performance of these ceremonies; cf. above, p. 45.

is come!' The meaning of the first two words is not very intelligible, and consequently does not admit of a literal explanation; After this they play, and poke fun and torches at each other.

"At Adoua the different parishes have a regular fight. The row usually begins among the boys, and continues till some man, seeing his sons hurt or in danger, goes to their rescue, when others of the opposite party join in against him, and so the fight becomes general. Beyond a few roughish club knocks, it is rarely that any serious consequences occur.

"Early in the morning, while it is yet dark, great men have piles of wood erected on the high places near the towns, and set on fire. Then one or two oxen, according to the wealth of the offerer, are taken, and after having been led three times around the bonfire are slaughtered, and their flesh is left on the spot till it is devoured by birds of prey, hyaenas, and jackals. In this, and many other of the Abyssinian customs, may be seen traces of the ancient heathen sacrifices, altars on high places, etc.

"The people all rise early to see the fires; and the Mascal rising sun finds the whole Abyssinian population wide awake. On this day every house that can possibly afford it slaughters a cow: or, if it cannot compass such a luxury, a sheep."

Not at all improbably these peculiar and interesting fire rites were transmitted to Abyssinia as a direct development out of or borrowing from the fire rites of the Asif Festival, the immediate antecedent of the Mascal and the Festival of the Cross, observed by the Jewish immigrants into Egypt in 586 B. C. and so scathingly denounced by Jeremiah, as we have learned.

Perhaps of most direct significance for this study is a folk-procedure of the Melchites of Damascus in the celebration of the Festival of the Cross. Petermann records¹⁰³ that, "on September 26, according to their reckoning September 14, they celebrate the Festival of the Exaltation of the Cross. On the evening preceding the boys knock on the houses of their quarter of the city and cry, اعطونا حطب لعيد اصليب, *a'tūna ḥatab le'īd es-salīb*, i. e. 'Give us wood for the Festival of the Cross.'

¹⁰³ *Op. cit.*, 123.

They receive money, with which they buy wood, kindle this in the streets and leap over the fires."

It is impossible not to correlate, or even to identify, this last folk-practice in the celebration of the Festival of the Cross in Damascus with the rite, or at least the first and second parts thereof, denounced by Jeremiah as an element of the folk-celebration of the Asif Festival in Jerusalem and the towns of Judaea, "The boys gather the wood and the fathers kindle the fire." There, too, the fires are kindled in the streets. We must not imagine that the custom was for the boys to go out to neighboring forests in order to gather the wood, for, of course, such a practice would have been impossible in Palestine even in Jeremiah's day. Undoubtedly the procedure then was precisely the same as that described by Petermann; the boys of Jerusalem went from house to house, soliciting and receiving contributions of wood, with which their fathers kindled the fires in question.¹⁰⁴

But it is also impossible not to correlate the fires of the Festival of the Cross upon the mountain tops with the fires kindled upon the mountain tops and upon the high places as a part of the ceremony implicit in the term *kitter*, as it is recorded so often in the Bible.¹⁰⁵ The full meaning of this term is not clear, for the verb is, presumably, transitive; yet nowhere is it ever defined just what may have been burned. Impliedly it was incense, for as early as the time of Isaiah¹⁰⁶ the cognate noun, *kēṭorah*, was current to designate incense. But the *hif'il*, *hikṭir*, is used constantly to signify the burning, not merely of incense, but also of the sacrificial animals or any portion of them. Accordingly it may have been an animal sacrifice, just as, as we have seen, was the practice in Abyssinia, or some other kind of sacrifice rather than incense, or even other substances or ingredients, examples of

¹⁰⁴ We shall soon have other, corroboratory instances of this same practice in other parts of the Semitic world. The custom is, of course, similar, and in fact closely related in origin, to the custom of boys in various countries of Europe and also here in America begging or, with considerable Saturnalian license, appropriating wood for bonfires on Halloween.

¹⁰⁵ 1 Ki. 22.44; 2 Ki. 12.4; 14.4; 15.4, 35; 16.4; 17.11; 23.5, 8; Hos. 4.13; 2 Chron. 28.25 f.

¹⁰⁶ Isa. 1.13; cf. above, note 79.

which we shall have later, which were burned in these fires. Or the constant absence of any object of the verb, *kitter*, may actually imply that nothing whatever was burned in these fires, but that instead the kindling of the fires themselves constituted the entire, or at least the essential, rite, just as is the case today in the fires of the Festival of the Cross.¹⁰⁷

Not only upon the mountain tops but also upon the house tops and in the gardens are these fires of the Festival of the Cross kindled in the folk-practice of the present day, as we have seen. Again it is but natural to correlate the latter with the fires kindled upon brick slabs¹⁰⁸ in the gardens of ancient Judaea and denounced by an anonymous, post-exilic prophet as a rite abhorrent to Yahweh.

And equally the fires upon the house tops of the Festival of the Cross should be correlated with the fires and accompanying rites upon the house tops, of which mention is made in biblical literature.¹⁰⁹ According to Jer. 32.29 they "burnt" upon the

¹⁰⁷ It might be argued that, were such the case, we might expect to find *בער* used interchangeably with *קטר*; but actually *בער* is used only once, in Jer. 7.18, to describe the kindling of these fires. However, this argument would be not at all convincing, for certainly the use of *קטר* rather than *בער* implies that this procedure was always something more than a merely profane kindling of a fire, that it was always regarded as a ritual act.

¹⁰⁸ Isa. 65.3. Perhaps with these brick slabs in the gardens, obviously set there just for the purpose of kindling these sacred fires, we may correlate *הַמִּקְטָרוֹת* (as, following hints from *G*, *V*, and *S*, and also noting the parallelism with *הַמִּזְבְּחוֹת* and likewise the implication of the procedure recorded in the verse, it is necessary to vocalize instead of *הַמִּקְטָרוֹת* of *MT*), of 2 Chron. 30.14.

¹⁰⁹ 2 Ki. 23.12; Jer. 19.13; 32.29; Zeph. 1.5. It should be noted, too, that according to Neh. 8.16 the booths of this particular Asif Festival in the time of Ezra, about the middle of the fifth century B. C., were erected upon the house tops. This record acquires particular significance when we remember that Ezra seems to have introduced certain innovations or reforms into the observance of this festival in order to eradicate what had come to be regarded as objectionable idolatrous elements (cf. "Supplementary Studies in the Calendars of Ancient Israel," 133-144). One of these innovations was certainly the reading of the law (at least at the end of every seventh year; cf. Deut. 31.10-13). Another innovation may well have been these booths. There is good reason for believing that at the very most these booths had played only an incidental role, if they had played any part at all, in the celebration of the Asif Festival. But within a relatively short period following the reforms

house tops and likewise poured out libations to gods other than Yahweh. This last was the same ceremony, in part at least, as was denounced by Jeremiah in 7.17-18 and chapter 44. According to Jer. 19.13 the "burning" rite was in honor of the "whole host of heaven." According to Zeph. 1.5 the people performed ceremonies of prostration upon the house tops to the "host of heaven." According to 2 Ki. 23.12 altars were erected upon the house tops, undoubtedly connected in some way with the performance of these same rites. All these ceremonies were performed in the worship of gods other than Yahweh, usually subsumed under the name of Baal¹¹⁰ or the "host of heaven." That they were ceremonies connected with the worship of astral or solar deities, or both, can scarcely be doubted.¹¹¹

of Ezra they had given to the festival its new name, Sukkot, Festival of Booths. Manifestly Ezra's reform had projected the ritual of the erection and dwelling in booths into the dominant ceremony of the festival. It is quite probable therefore that Neh. 8.14-17 records the initial instance of the dwelling in booths as a major rite of the festival. Moreover, nowhere in the pentateuchal legislation for the dwelling in booths is there any provision as to where these booths should be erected, whether in the courtyards or on the roofs of the houses. Therefore the fact that in what seems to be the initial use of booths in a major role in the celebration of the festival these booths were erected upon the roofs of the houses suggests that these booths upon the house tops may very well have supplanted the fires which were formerly kindled in the very same place in the celebration of this same festival.

In this connection it may be noted that Strabo (XVI, 4, 27) records that the Nabataeans "worship the sun and construct the altar upon the top of a house, pouring out libations and burning frankincense upon it every day;" cf. Wellhausen, *Reste arabischen Heidentums*², 41, note 1 (where the reference to Strabo should be corrected from 764 to 784).

¹¹⁰ Jer. 7.9; 11.17; Hos. 2.15; 11.2. It is a matter of interest and even of significance that the verb used in conjunction with קטר or הקטיר to record the offering of sacrifices to these non-Yahwistic deities is invariably זבח in the *pi'el*. The *kal* is never employed in this connection. Only twice in all biblical literature is the *pi'el* of זבח used in what might be regarded as the normal, intensive sense, "to sacrifice in great abundance" (2 Chron. 5.6; 30.22). Both passages are quite late and were composed in all likelihood at a time when the understanding of and feeling for the Hebrew language and the delicate nuances of its vocabulary were beginning to decline. Invariably in the earlier biblical literature, and especially in the prophetic writings, זבח means "to offer sacrifices to false gods."

¹¹¹ In this connection a passage from Wellhausen (*op. cit.*, 40 f.) is partic-

tival of the Cross, were burned in ancient Israel in the celebration of the Asif Festival at least, if not in that of the other great annual festivals also.

This evidence and this conclusion establish firmly that in the folk-celebration of the Asif Festival in ancient Israel, not only in Jeremiah's day but also in earlier times, the kindling of bonfires and associated rites played a very important, and even an essential, role. Moreover, these rites seem to have had a primarily astral or solar basis and import, to have been performed in the worship of astral or solar deities. It was this last consideration which led the prophets and their Deuteronomic associates to denounce these rites so uncompromisingly and to seek to eradicate them completely from the religious practice of Israel.

Before proceeding to consider further significant aspects of the nature and import of the Festival of the Cross it will be well to direct our attention to closely related fire rites practiced in another part of the Semitic world in the celebration of a festival which has direct relationship to the ancient Israelite Asif Festival, and find therein new evidence, which will confirm and elucidate further that which we have already gathered and the conclusions which we have drawn therefrom.

Westermarck writes:¹¹² "Of great interest are the fire and water rites practised at '*āšūra*, to which purificatory and other beneficial effects are ascribed. At Fez, on the '*āšūra* eve . . . called . . .¹¹³ 'the bonfire night,' . . . the children of each quarter kindle a small bonfire, . . . and leap over it. The women, again, go up on the roofs of their houses and make there a fire of straw or paper or any rubbish at hand in order to burn the *šayâtîn*, or evil spirits; and while the fire is burning they sing, . . . 'Bonfire, bonfire, he who does not make it hot will cut his hand'. This performance lasts for about half an hour."

"Among the Ulâd Bu'azîz in Dukkâla a small fire, . . . is on

¹¹² *Ritual and Belief in Morocco*, II, 65-69. The same rites are described in great detail in Doutté, *Magie et Religion dans l'Afrique du Nord*, 506-509, 565-584.

¹¹³ Westermarck's transcription of native Arabic or Berber terms is omitted in almost all cases, because it is exceedingly detailed and cumbersome and also very difficult to print.

the same evening . . . made of straw outside every tent in the yard . . . where the animals are kept in the night, and the people step over the fire three times in the same direction, saying . . . ' *Āj* ' *āj*, may ewes fill our yard.' This is done even by people who own no sheep, as they, by so doing, hope to get some. Among the Ulâd Fraj, in the same province, it is the custom for the young people on the day before ' *āšûra* to fetch from the wood branches, which are burned after sunset. The people leap over the fire, asking God to give them 'health and quietness and prosperity and money.' There is *baraka*¹¹⁴ in the ashes of this fire, which are preserved and used as a remedy for diseased eyes. Among other Arabs of the plains I have also heard of the custom of kindling bonfires on the same evening; the people leap over the fire, and in one instance I was told that if anybody has an illness in his body it will be left in the fire and he will have a long life. . . . Among the Ait Waráin a bonfire . . . is kindled on the roof of the house or in the yard, and the children leap over it; and they also illuminate their houses and especially the mosque of the village.

"The illumination may originally have been a means of frightening away the evil spirits by light, as the fires . . . are intended to destroy them by flame; on many occasions the burning of candles serves such a purpose. In Andjra candles are lighted at the graves of dead relatives on the ' *āšûra* day after sunset."

"Fire" and water customs occur in Tunis, but not, so far as I know, among the eastern Arabs. They are found among the Moslems of India, but this may be explained by the prevalence of similar rites since ancient times among the Hindus. There is no reason, then, to suppose that they were imported into North Africa by Islam, although they are practiced at a definite period of the Muhammadan year.¹¹⁵ On the other hand, there is every reason to assume that they were transferred to this period from a fixed date of the solar year. Fire and water rites are extensively

¹¹⁴ *I. e.* "blessing, good, benefit."

¹¹⁵ In this hypothesis we shall see that Westermarck is surely in error, since the ' *Ašûra* Day was a festival of distinctly Islamic origin, and must therefore have been imported, with all its attendant rites and folk-practices, into Northern Africa by Islam.

practiced in Morocco at Midsummer, and it seems impossible to doubt that such practices were in vogue among the Berbers long before their conversion to Islam. These Midsummer customs serve exactly the same purpose as the fire and water rites at 'āšūra that of removing or keeping off evil influences. . . . and for reasons which will be pointed out presently their transference to the Muhammadan New Year is easy to explain. That such a transference has taken place is directly suggested by the fact that the 'āšūra and Midsummer customs largely supplement each other. Among tribes which practise no fire or water rites at Midsummer we may be almost sure to find such rites at 'āšūra, and *vice versâ*; and where they occur on both occasions more importance is attached to them in one case than in the other."

It is in place here to inquire, just what was or is this 'āšūra day, what was its origin and what is its basic character. These questions are answered authoritatively and adequately by Wensinck;¹¹⁶ " 'Āshūrā', name of a voluntary fast-day which is observed on the 10. Muḥarram. When Mohammed came to Medina he adopted from the Jews amongst other days the 'Ashūrā.' The name is obviously the Hebrew עשור, with the Aramaic determinative ending; in Lev. 16.29 it is used of the great Day of Atonement. Muḥammad retained the Jewish custom in the rite, that is, the fast was observed on this day from sunset to sunset, and not, as was usually the case, only during the day. When in the year 2 Muḥammad's relations with the Jews became strained Ramaḍān was chosen as the fast month, and the 'Ashūrā'-fast was no longer a religious duty but was left to the option of the individual On which day of the Arabian year the fast was originally observed cannot now be ascertained owing to our defective knowledge of the calendar of the period; naturally its observance coincided with the Jewish on the 10. Tishri, and so fell in the autumn. . . .

"Presumably for the sake of distinguishing themselves from the Jews some fixed the 9. Muḥarram either along with or in place of the tenth as a fast day with the name *Tāsū'ā*."

"The Jewish origin of the day is obvious; the well-known

¹¹⁶ *Encyclopedia of Islam*, I, 486a.

tendency of tradition to trace the Islāmic customs back to the ancient Arabs, and particularly to Abraham, states that the Mekkans of olden time fasted on the 'Ashūrā.' It is not impossible that the tenth, as also the first nine days of Muḥarram, did possess a certain holiness among the ancient Arabs; but this has nothing to do with the 'Ashūrā.'

"The fast of the 'Ashūrā' was later and is still regarded by Muslims as commendable; the day is kept by the devout of the entire Muslim world; it is holy also on 'historical' grounds: on it Noah left the ark, etc. In Mekka the door of the Ka'ba is opened on the day of the 'Ashūrā' for visitors (see Snouck Hurgronje, *Mekka*, II, 51)."

As Wensinck said, the Jewish origin of the 'āšūra day is unmistakable. This conclusion is established incontestably by the fact that the alternative celebration of the festival by dissident, fanatic Moslems upon the ninth of Muḥarram instead of the tenth, in order to distinguish it from the Jewish usage, was called *tāsū'a'*; for this name is manifestly derived from the Hebrew, חשעה, "nine," with the Aramaic determinative ending, precisely as 'āšūra' is derived from the Hebrew, עשר, "ten."^{116a} Moreover, the fact that the festival is only a secondary institution in the Moslem ritual calendar, whose observance is commendable, but not at all mandatory, corroborates further the conclusion that it is of external, and not of primary, Moslem or Arab origin.

But while it cannot be denied that this festival is a Moslem derivative from the Jewish festival observance upon the tenth of the seventh month of the Jewish calendar, the nature of this relationship and of the attendant borrowing process must be examined more closely. The early Moslem observance of the

^{116a} This custom and name probably developed out of a misinterpretation of Lev. 23.32 (cf. above, pp. 36 ff.) and the conclusion from this that Yom Kippur was observed upon VII/9 rather than upon VII/10. But granting this, we have here incontrovertible evidence that the 'Ashūra must have been, as Wensinck maintained, borrowed immediately from the Jewish festival. The sacred character of the first ten days of Muharram would then itself have been borrowed from the sanctity inherent in Jewish religious practice during the first ten days of the seventh month, as evidenced by Neh. 8; cf. above, p. 19 and "The Three Calendars of Ancient Israel,"

day as a fast day, and that, too, not after the characteristic Moslem practice of fasting only during the day, but instead after the normal Jewish practice of fasting through both the day and the night, obviously points to the conclusion that this institution must have been borrowed from a Jewish group or community which observed VII/10 as a fast day, i. e. as the Day of Atonement, even as Wensinck has intimated.

But the peculiar folk-ceremonies which constitute such an important, and even the major, part of the celebration of 'Aššara Day, point indubitably to the conclusion that the festival must have been borrowed by the Moslems from a Jewish community which, even though it observed VII/10 as a fast day, in conformity with the biblical injunction, was nevertheless not altogether orthodox in character and did not conform strictly to the practice of normative Judaism. It is natural to link the custom of opening the door of the Ka'ba on the 'Aššara Day¹¹⁷ with the ancient rite of opening the eastern gate of the Jerusalem Temple twice each year, upon the two equinoctial days,¹¹⁸ the one of which fell upon VII/10 and was celebrated as the Jewish New Year's Day.¹¹⁹ In the practice of normative Judaism, as we shall learn, this ceremony was forbidden and abandoned completely, because of the persistent consciousness of the solar origin and character of the peculiar rites connected therewith. Therefore this custom could have passed over to Islam only through borrowing from a Jewish group or community which did not conform strictly to the principles and practices of normative Judaism, but instead, for reasons at present unknown for lack of sufficient evidence, still cherished and observed piously, and without any sense of disregard of or non-conformity with the principles and approved practices of normative Judaism, many of the ancient ceremonies and folk-customs which had been current in ancient Israel, and which were still observed in the early stages of the evolution of Judaism prior to the Priestly reformation of the religious practice in the fourth century B. C. That this was

¹¹⁷ Even though it was opened upon other occasions also during the year; cf. Snouck Hurgronje, *op. cit.*, II, 51.

¹¹⁸ "The Gates of Righteousness."

¹¹⁹ "The Three Calendars of Ancient Israel," 22-58.

the manner of Jewish observance among the Jewish tribes resident in Medina in Mohammed's day is a natural and inescapable inference.¹²⁰

But fire ceremonies, in which our interest centers in this study, are met with not at all in the religious observance, either formal or of folk-character, of the tribes of Arabia in Mohammed's time or in the celebration of the '*Ašûra* Day' in that section of the Moslem world. They seem to play a distinctive role in the celebration of this festival only among the Moslem peoples of Northern Africa; and manifestly these rites and practices could not have been imported into Northern Africa by Islam from its cradle-land, Arabia. Islam may well have brought in with it, or else given sanction to, the '*Ašûra* Day'; but it could not have been the source of the peculiar fire rites associated with the observance of this day. Nor is Westermarck's hypothesis tenable, that these rites may have been of Berber origin or transferred from the observance of either the ancient New Year's Day or of Midsummer Day among the pre-Islamic Berbers of Northern Africa, for this hypothesis would leave completely unaccounted for just why these peculiar rites should have been linked with the observance of this particular predominantly folk-festival of the religious calendar of North African Islam.

Another, simpler, more natural and more probable hypothesis lies ready to hand. Granting that the '*Ašûra* Day' developed by a process of Islamic borrowing and adaptation from the Jewish celebration of the tenth of the seventh month, and that this borrowing by Mohammed must have been from a Jewish group or community which was not bound by the laws and practices of normative Judaism, but which had continued to observe as late as Mohammed's day institutions and practices of early, pre-normative Judaism, rites and institutions upon which normative Judaism had come to look askance and some of which it had even tried to abrogate, and remembering that in this pre-normative Judaism VII/10 had been, not the Day of Atonement, but the all-important New Year's Day, the culmination of the

¹²⁰ Cf. Ezek. 43.1-5; 44.1-2; Mishna Sukkah, V,4; "The Gates of Righteousness," 29-35.

eight days Asif Festival, and having seen also the integral relationship of this festival with the Festival of the Cross, also celebrated for eight days, we may now conclude that the 'Aššûra Day has a common origin with the Festival of the Cross, that just as the latter festival represents a Christian adaptation of the Jewish Asif-Sukkot Festival, so also the 'Aššûra Day represents an Islamic adaptation of the final, culminating day of the Asif-Sukkot Festival, the ancient Jewish New Year's Day upon VII/10.¹²¹

We remember, too, that the Judaeans who fled to Egypt before Nebuchadnezzar's victorious army, and who carried Jeremiah with them thither, continued to celebrate this festival in Egypt, particularly with its ceremonies of kindling fires in the streets and baking cakes, ceremonies which, as we have seen, in origin were associated with astral and solar worship. It is a natural inference, as we have learned, that it was from this Egyptian Jewish colony that the celebration of VII/10 passed, with its fire rites, to the Abyssinians, and that eventually, after the spread of Christianity throughout Abyssinia, this day, just as among the Christians of Palestine, came to be celebrated as the Festival of the Cross, with, however, the retention of the fire rites, again just as in Palestine, in forms but little modified from the ancient Israelite practice, denounced so scathingly by Jeremiah.

And it is equally natural to infer that from this same first source, the Jewish community which migrated to Egypt in the days of Jeremiah, the observance of VII/10, with its distinctive fire rites, spread throughout Northern Africa, and eventually, under the compelling influence of Islam, came to be observed as a Moslem festival, of folk-, rather than of formal, authoritarian, character, and, under the influence of the Moslem lunar calendar, to be divorced completely from its original equinoctial, solar import, and so to be observed as the 'Aššûra Day. This hypothesis accounts far more adequately than does that proposed by

¹²¹ This consideration may perhaps assist somewhat in the solution of the important problem, not yet completely solved, as to the origins and antecedents of the Jewish tribes resident in Medina and other settlements in Northern Arabia in the pre-Islamic period; cf. *Dozy, Het Israeliten te Mekka*.

Westermarck, for both the observance of the day and also for the fire rites associated therewith. In this connection it should be noted, too, that, as Westermarck records,¹²² the 'Aššura Day "is practically the Muhammadan New Year's Day," precisely as VII/10 was the New Year's Day in early Jewish practice. That therefore the fires of the folk-celebration of the 'Aššura Day evolved directly from the fires of the folk-celebration of the ancient Jewish Asif-New Year's Day Festival, just as did, as we have seen, the fires of the Festival of the Cross, and in origin had identically the same import, can scarcely be doubted.

Similar customs are practiced in Morocco on Midsummer Day, June 24th. Westermarck describes these in detail.¹²³ "On that day, or sometimes the evening before, smouldering fires are made in many different parts of Morocco. They are common, probably universal, among the Jbâla, or Arabic-speaking mountaineers of Northern Morocco. In Andjra, after sunset, bonfires are kindled in open places in the villages. Men, women, and children leap over them, believing that by so doing they rid themselves of the *bas* which may be clinging to them; the sick will be cured and married persons will have offspring. Nobody is hurt by the fire since there is *baraka* in it. Some straw, thyme . . . and alum are burned in the *zriba*, or enclosed place outside the dwelling-house where the cattle, sheep and goats are kept over night, so that the smoke is blown over the animals and makes them thrive. Straw is, moreover, burned inside the houses and in the orchards, the trees of which are thereby protected from the evil eye. . . . I have found similar customs among other tribes of the Jbâla visited by me. In that of Jbel Ḥbib the people jump over the fires kindled on Midsummer eve, the animals are taken over heaps of smouldering straw in the yards, and under the best tree in each orchard a fire is made of branches cut from different trees. . . . On the same day the Bni 'Aros make smouldering fires in their orchards and in places where there are bees, and the fruit trees are sprinkled with the ashes; and in the evening they kindle bonfires over which the people leap.

¹²² *Op. cit.*, 58.

¹²³ *Op. cit.*, 182-206.

"Fire and smoke ceremonies are likewise practised by the Arabs of the plains and in neighbouring towns. The Mnáṣāra make fires outside their tents, near their animals, on their fields and threshing-floors, and in their gardens, and sometimes small fires are also kindled inside their tents. Large quantities of pennyroyal are burned in the fires, and over some of them the people leap three times to and fro, maintaining that the smoke is beneficial to everything with which it comes in contact. The same custom and belief prevail in the Shāwia, where the smoke on that day is supposed to remove evil influences from everything and is said to ascend to God.

"On the other hand, among the Berber tribes in the neighbourhood of Fez smouldering fires are universal on this occasion, which is regarded by them as a great feast. On the morning of Midsummer day the people fumigate themselves, their houses or tents, animals, bees, orchards, vegetable gardens, and threshing-floors with the smoke of various herbs and leaves of bushes and trees. . . . That the magic force is attributed to the smoke, not to the flame, is evident from the fact that the herbs and leaves are prevented from blazing and only allowed to smoulder. Of the Ait Mjild, I was told that they on Midsummer eve burn fires of straw, leap three times over them to and fro, and let the smoke pass underneath their clothes, whilst married women keep their breasts over the fire in order that their little children shall be strong. They paint their eyes with antimony mixed with ashes of the fire, and also put some ashes on the forehead and between the nostrils of their horses that they shall remain good."

Westermarck's account of the fires of Midsummer Day has been cited, though in quite abbreviated form, for a number of reasons. In the first place, the similarity of these fires to those of 'Aṣūra Day is unmistakable, even though with the latter the flame of the fire seems to be the all-essential thing, while with the fires of Midsummer Day the smoke apparently plays the principal role. The purificatory character of the fires of Midsummer Day is beyond all question; and there is ample evidence that the fires of 'Aṣūra Day performed, to a certain extent at least, a similar function. To this we shall return shortly.

The burning in the Midsummer Day fires of various herbs

and the leaves of various trees, as well as other substances, such as salt, harmel, alum, and the like, suggests a very plausible explanation of the biblical term, *kitter*, to which we have already made reference,¹²⁴ and of the rites which must have been implicit in that obviously technical term. As has been suggested, the term was certainly in common use in ancient Israel long before incense seems to have been introduced into the religious practice of the people. Moreover, even when incense did come to be employed in the official religious practice of Israel in the great temples, it must undoubtedly have been still too rare and too costly to have been employed in what were undoubtedly folk-rites, performed away from the main national sanctuaries and very frequently, so it seems, without the supervision and functioning of recognized priests. But what more natural than to suppose that, precisely as in the fires of Midsummer Day in Morocco, true folk-rites in every detail, what was burned in the fires of ancient Israel, upon the roofs and the mountain-tops, implicit in the verb, *kitter*, was herbs of various kinds, leaves of trees and other substances, all of which were thought to have a purificatory character. In such case, the burning of these fires would have had, in part at least, an apotropaic purpose and effect. But of this we have no direct evidence. So far as we can see, in the fires of the Festival of the Cross today in Palestine and Syria none of these substances are burned, and the mere kindling and burning of the fires seem to be the only essential rites. And yet the fairly wide-spread custom of the people leaping over these fires in Palestine and Syria today, just as in Morocco, seems to have all the earmarks of a survival of an ancient purificatory rite and suggests that in the fires of ancient Israel and adjacent lands various substances which were thought to have apotropaic effect, to be able to turn away evil, to drive off malevolent spirits, to cure illnesses and to bring *baraka*, blessing, may have been burned, and that these were the folk-rites implicit in the unmistakably technical term, *kitter*.^{124a}

¹²⁴ Above, pp. 53 ff.

^{124a} In this connection a restudy of the biblical expression, העביר באש, and its implications may be timely. There can be no question that the normal implication of the term is "to burn in fire as a sacrifice to a deity." In this

connotation it is equated with the explicit term, שרף באש (Deut. 12.3; 2 Ki. 17.31; Jer. 7.31; 19.5). Frequently באש is omitted and העביר alone is used with the customary full connotation (Ex. 13.12; Lev. 18.21; Jer. 32.35; Ezek. 16.21; 20.26; 23.27). Ex. 13.12 and Ezek. 20.26 indicate clearly that burning in fire, in the manner described by העביר (with the omission of באש in both instances) was the customary method of sacrificing firstlings and first-born children. It may be noted also that, in addition to the biblical passages already cited, this practice is referred to likewise (by the full expression, העביר באש) in Deut. 18.10; 2 Ki. 16.3; 17.17; 21.6; 23.10; Ezek. 20.31; 2 Chron. 28.3; 33.6 (these last two passages are dependent, directly or indirectly, upon 2 Ki. 16.3 and 21.6, and so merely reflect the usage of the term there). It is undoubtedly a matter of some significance that, without exception, all these biblical passages in which the term, העביר באש, either in its full or its abridged form, occur, come from the period beginning with Deuteronomy and Jeremiah and ending with the early post-Exilic period, in other words from near the close of the seventh to near the beginning of the fifth century B. C., a period of approximately a century and a half. Just why all biblical references to this practice should be found only in the literature of this relatively brief period, and not in the writings of either earlier or later periods, is a question which merits consideration.

However, as Num. 31.23, of P authorship and therefore later by at least a century than any of the passages cited above, indicates, העביר באש came in time to be interpreted in a literal sense, "to cause to pass through fire" for purely apotropaic purposes. It is of utmost significance that even in those biblical passages which make mention of the "causing the children to pass through fire," despite the explicit statements of Ex. 13.12; Jer. 32.35, Ezek. 20.26, *et al.*, that they were thus offered as sacrifices, or the statement of Ezek. 23.37, that they were thus given to non-Yahwistic deities as food, the rabbinic authorities of the Mishna and Talmud interpreted העביר באש as meaning only "to cause to pass by the fire," impliedly for purposes of purification, and with no sacrificial or destructive import whatsoever (cf. Sanh. VII, 7; Talmud Sanh. 64b). In fact the latter passage describes the procedure implicit in the term, העביר באש, as "the passing of people over a brick platform between fires on each side," impliedly for purposes of purification. Later on the same page a rabbinic authority interprets the procedure implicit in העביר באש as comparable to the practice of children, during the celebration of the Purim Festival, of swinging in swings over a fire placed in a hollow in the ground. These rabbinical authorities could scarcely have interpreted העביר באש in this manner and disregarded its explicit implication in the biblical passages so completely, did they not have some cogent basis in general folk-practice for so doing.

In this connection a passage from Maimonides, מורה נבוכים, III, 37, is of considerable interest. In discussing the "causing of children to pass through fire" as an idolatrous practice, forbidden to Jews, he says, "One can still see midwives wrap new-born children in swaddling-clothes and pass them back

Midsummer Day is obviously, because of its proximity to the summer solstice, a day of particular solar significance. It is natural therefore to assume, in accordance with the theory first proposed by Mannhardt,¹²⁵ and then developed, with such far-reaching application, by Frazer,¹²⁶ that the fires kindled upon this day, in addition to their apotropaic character, must have had also some specifically solar import, that they must have been designed, through the principles and processes of sympathetic or homoeopathic magic, to assist in, or even to compel, the rebirth of the sun or its successful completion of its normal annual course, so indispensable to agricultural existence.

However, in his latter years, under the influence of Westermarck,¹²⁷ Frazer seems to have modified his theory of the homoeopathic magical character and effect of these fire rites greatly, and even radically. Westermarck quotes¹²⁸ Frazer's own words:¹²⁹ "The arguments of Dr. Edward Westermarck have satisfied me that the solar theory of the European fire-festivals, which I accepted from W. Mannhardt, is very slightly, if at all, supported by the evidence and is probably erroneous. The true explanation of the festivals I now believe to be the one advocated by Dr. Westermarck himself, namely that they are purificatory in intention, the fire being designed not, as I formerly held, to reinforce the sun's light and heat by sympathetic magic, but merely to burn or repel the noxious things, whether conceived as material or spiritual, which threaten the life of man, of animals, and of plants." However, despite the seeming absoluteness of this statement, there is good reason to believe that Frazer did not discard his original hypothesis completely; for in the closing

and forth over a fire, upon which ill-smelling herbs have been spread. This custom is undoubtedly a kind of 'passing through fire' and is forbidden." Quite obviously this practice is not far removed from that current in Syria and Palestine today, which we have already noted, of people leaping over the fires of the Festival of the Cross for purificatory purposes.

¹²⁵ *Antike Wald- und Feldkulte*.

¹²⁶ *The Golden Bough*.

¹²⁷ For the authority of whose scholarship I know, from a remark which he once made to me, Frazer had a profound regard.

¹²⁸ *Op. cit.*, II, 201.

¹²⁹ *Balder the Beautiful*, I, p. VII; cf. *ibid.*, 330 ff.

sections of *Balder the Beautiful*, vol. I, he not only suggests that perhaps both hypotheses have validity, and that the fires on the solstitial days, both those of winter and summer, and also, though apparently to a somewhat less degree, those upon the equinoctial days, in Europe and in other widely distant parts of the earth, had both a purificatory and a homoeopathic magical purpose and effect, but also in his discussion of the two hypotheses he actually makes a much better case for his original hypothesis than for that of Westermarck, which he himself accepted. Actually it is inconceivable how the primary homoeopathic magical character of these fire rites upon the solstitial and equinoctial days can be denied, for otherwise it would be inexplicable that they should have been celebrated in all parts of the earth precisely upon these days of basically solar significance. Naturally this does not preclude in any way the possibility that they likewise had a definitely apotropaic character. To this important question we shall have to return in due time.

Here we must revert to the consideration of the Festival of the Cross, as it is observed in Palestine and Syria, and direct our attention to its practical significance for the peasantry of those two lands both in relation to the solar calendar and seasons and also to the state of the crops and the folk-customs attendant thereupon. That it should have a direct relationship to the solar calendar, and one of major importance, need not surprise us, when we remember that the Festival of the Cross is actually but one day of what was originally the eight days festival of the dedication of the Church of the Anastasis at Jerusalem, and that this was patterned directly after the ancient Israelite Asif Festival, upon which Solomon dedicated the Temple at Jerusalem, and that it was celebrated at exactly the same season of the year. For, as we have learned, the Asif Festival was celebrated upon the last seven days of the year and culminated in the celebration upon the eighth day, the day of the fall equinox, of the New Year's Day. That the Festival of the Cross has, in its origin, a direct relationship to the day of the fall equinox is self-evident.

This is borne out by abundant evidence from the life and folk-practice of the present-day peasantry of Palestine and

Syria. They look upon Easter and the Festival of the Cross as marking the two halves of the year,¹³⁰ i. e. as coinciding with the two equinoctial days and therefore fixing the beginning of the spring and fall seasons. Dalman writes:¹³¹ "The Festival of the Cross has its astronomical background in the heliacal rising of Arcturus on September 18, which, according to Pseudohippocrates, marks the end of the summer. Furthermore, according to Arabic opinion the autumnal equinox falls upon this day. This is probably the reason why in Damascus fires are kindled upon the Festival of the Cross, over which the people jump . . . Of the Festival of the Cross it is said, 'Celebrate Easter and go forth (with the sheep), . . . celebrate the Festival of the Cross and return home;' also 'After the Festival of the Cross trust not the heavy dew,' i. e. do not feel protected from it and therefore do not sleep in the open. For it is well established, 'When the Festival of the Cross is past, desolation enters.'¹³² Elsewhere¹³³ Dalman records: "The summer is completely at an end by September 14, for 'There are no more summer days after the Festival of the Cross,' and 'Canopus has risen; pay heed to the horses.' Everything results from the observation that the nights begin to grow colder."

Not only to the weather and the seasons does the Festival of the Cross have a close relationship, but also to the state of the crops. Muḳaddasī records¹³⁴ that this festival was celebrated in his day at the time of the gathering of the grapes. The proverb was then current among the peasantry of Palestine, "Do not cut the grapes to make raisins until the Festival of the Cross has passed." The same relationship of festival to grape harvest obtains in Palestine today, as is evidenced by the axiom, "When the Festival of the Cross comes, the vineyards become deso-

¹³⁰ Dalman, *Arbeit und Sitte in Palastina*, I, 40.

¹³¹ *Ibid.*, I, 94, 474.

¹³² Cf. also Canaan, in *ZDPV*, 1913, 299. I quote only the translation of these axioms and not the original Arabic as given by Dalman, Canaan and others.

¹³³ *Ibid.*, I, 90, 169.

¹³⁴ Le Strange, *Description of Syria, including Palestine*, by Muḳaddasī; *Palestine Pilgrims Text Society Publications*, 77.

late."¹³⁵ To the olive crop this festival has a somewhat similar relationship. The axiom is current in Palestine today, "When the Festival of the Cross has passed remove not the beating stick from your olive trees," i. e. begin the olive harvest immediately after the Festival of the Cross.¹³⁶ Moreover, the Festival of the Cross is regarded as marking the end of the period of gathering in all the produce of the field.¹³⁷ In this respect it is in a very literal sense the "Festival of Ingathering," precisely as the ancient Hebrew term, חג ההאסף, designated it. Therefore after the Festival of the Cross the poor are permitted to glean without restraint.¹³⁸ In Transjordan the early ploughing is expected to begin immediately after the Festival of the Cross.¹³⁹

The Festival of the Cross likewise marks, in Palestinian peasant lore, the beginning of the rainy season. The proverb is current, "There is rain on the one hand and summer weather on the other."¹⁴⁰ Very interestingly, Bishop Arculf, at the beginning of his account of his travels in Palestine at about 700 A. D., records,¹⁴¹ "On the 15th of September, annually, an immense multitude of people of different nations are used to meet in Jerusalem for the purpose of commerce, and the streets are so clogged with the dung of camels, horses, mules, and oxen, that they become almost impassable, and the smell would be a nuisance to the whole town. But, by a miraculous providence, which exhibits God's peculiar attachment to this place, no sooner has the multitude left Jerusalem than a heavy fall of rain begins on the night following, and ceases only when the city has been perfectly cleansed."

This passage is of more than ordinary import. That Arculf

¹³⁵ Dalman, *op. cit.*, IV, 338; cf. 336, 350, 363 f., also Canaan, *op. cit.*, 298 f., and also in *JPOS*, VIII (1928), 136.

¹³⁶ Canaan, *ibid.*, 137; Dalman, *op. cit.*, IV, 191.

¹³⁷ Bauer, *Volksleben im Lande der Bibel*, 120.

¹³⁸ Goodrich, *Arabs in Tent and Town*, I, 295.

¹³⁹ Canaan, in *JPOS*, XIII (1933), 175; cf. also Dalman, *op. cit.*

¹⁴⁰ Grant, *The Peasantry of Palestine*, 124; cf. also Canaan, in *ZDPV*, 1913; 276; Stephan in *JPOS*, II (1922), 162.

¹⁴¹ Quoted from Wright, *Early Travels in Palestine*, I; cf. also Joh. Jeremias, *op. cit.*, *Angelos*, IX (1926), 101.

did not identify September 15th with the Festival of the Cross is not at all surprising, for at the time of his visit Jerusalem and all of Palestine were already in Moslem possession, and unquestionably the Festival of the Cross together with all specifically Christian institutions had been abrogated and apparently even completely or almost completely forgotten. None the less the gathering of such vast throngs in Jerusalem at just this moment of the year can certainly not have been a chance occurrence. Arculf states that this was an annual procedure. During the period of Moslem domination of Palestine commerce may have been the chief business of these assembled multitudes, but indubitably this must have been in origin only a secondary and incidental issue. The primary purpose must have been the celebration of a great festival, and one with a compelling appeal to the peoples of many lands. This gathering may, of course, be traced back to pre-Moslem times and linked with the Festival of the Cross. But it is impossible to halt at this point. The gathering of these multitudes of people from all lands in Jerusalem at just this season of the year must inevitably be traced back to the Jewish pilgrimage festival of Sukkot, after which, as we have learned, the Festival of the Cross was patterned, and even still further, to the ancient Israelite חג האסיף, the Festival of Ingathering. That in ancient Jewish tradition the rainy season was expected to begin promptly after the close of the Sukkot Festival is well attested.¹⁴²

In another significant respect does the Festival of the Cross in the lore of the Palestinian peasantry have a direct relation to the weather and the seasons. On it it is possible to prognosticate what the weather will be during a good part of the succeeding year, a matter, of course, of inestimable value to the tillers of the soil. "On the evening of the Festival of the Cross he (the Palestinian peasant) sets six small heaps of salt in the open air, one alongside of the other, and names each heap after one of the six winter months, from October to March. Early the following

¹⁴² Cf. Patai, *op. cit.*, II. It may also be noted here that in Upper Egypt the Festival of the Cross is in peasant-lore thought to mark the beginning of the fall of the Nile and of the fall of heavy dew; Klunzinger, *Upper Egypt, Its People and Products*, 129, 131.

morning he feels them, and that heap which has been most thoroughly saturated with dew indicates that the month after which it has been named will experience the heaviest rainfall."¹⁴³ Likewise, "The peasant believes that in the following original manner he can forecast which wind will prevail during the winter. At noon on the Festival of the Cross he goes to a spot at some distance from his village and takes note of the wind. Whichever wind prevails at this portentous moment will, in his opinion, prevail during the winter."¹⁴⁴

That the Festival of the Cross possesses this significant quality of an occasion of divination and prognostication of the weather for the ensuing year is indication of its close relationship, not only to weather conditions and circumstances themselves, but also to those forces which, undoubtedly in the primitive religion of the ancestors or forerunners of the present population of the land, were thought to control the weather. Presumably therefore in very ancient times this festival or its antecedent was thought to have heavenly or astral connections. This conclusion is corroborated by two survivals of what must have been an ancient and far more extensive belief or superstition. Today in Palestine the belief is current that "at midnight before the Feast of the Cross, when the stars suppose all the world asleep, Auriga rushes at the Pleiades and knocks the seven stars in every direction. If it does this, the coming year is fruitful; but if the Pleiades are prepared for the shock, and are not dispersed, a dry winter and unfruitful year will follow."¹⁴⁵ The Christians of Palestine believe that on the night of the Festival of the Cross the heavens open,¹⁴⁶ and that the olive trees bow down in adoration. A

¹⁴³ Canaan, in *ZDPV*, 1913, 276; also Jaussen, *Naplouse*, 179 f.; Dalman, *op. cit.*, I, 28. Both Jaussen and Dalman maintain that, instead of six, as Canaan records, there are seven heaps of salt, and that therefore the prognostication must be for seven months. According to Baldensperger, in *PEF*, 1898, 311, there are twelve heaps of salt, and the prognostication is for the entire ensuing year. Undoubtedly all these forms of this custom are observed in different localities.

¹⁴⁴ Canaan, *ibid.*

¹⁴⁵ Baldensperger, *ibid.*; Canaan, *JPOS*, XII (1932), 224.

¹⁴⁶ The Moslems believe that this portentous incident occurs on the Lelatu 'l-Qadr, "The night of the Drop;" Canaan, *JPOS*, VIII (1928), 165.

fortunate person might look up and behold the Deity. The olive trees bow down in their humility, in order that they might not look upon the face of God.¹⁴⁷ Manifestly this night of the Festival of the Cross is popularly believed in Palestine to be one when events of extraordinary character and portent transpire in heaven.

But, as has been intimated already, these folk-beliefs and superstitions of the present-day Palestinian peasantry with regard to the Festival of the Cross, of such wide range and varied character, but all of which have direct and intimate bearing upon the agricultural life, customs and institutions of the land, cannot have sprung up, at least not all, nor even the greater part, of them, in recent times. They represent indubitably a heritage of the modern Palestinian fellahin from ancient, and even from remote times, precisely as, as must be becoming increasingly clear to all, the Festival of the Cross, with which they are so inseparably linked, is itself but the modern, Christianized form of the ancient Jewish Festival of Sukkot and the still more ancient Israelite Festival of Ingathering.

And still one other function, of extreme significance, the Festival of the Cross shares, in the belief and practice of the modern peasantry of Palestine, with its ancient Israelite forerunners, in that it is one of the seven periods into which the Palestinian peasant divides the agricultural year. Into this matter we shall have to enter in considerable detail later in this study.¹⁴⁸ For the present it suffices to have established the very close relationship which the Festival of the Cross enjoys in the thinking and practice of the modern peasantry of Palestine and of neighboring lands as well, to the fall equinox, to the astral and heavenly conditions of that particular season of the year, to the weather, and to the state of the crops, and that all these details of relationship are a part of the cultural heritage of the present-day population of Palestine from their ancient predecessors in the land.

¹⁴⁷ Canaan, *JPOS*, VI (1926), 18 f.; VIII (1928), 165; XII (1932), 224; XIV (1934), 85. These scenes are thought to be repeated on Epiphany. For the import of this cf. below, p. 102.

¹⁴⁸ In the continuation of this study in a subsequent volume of *HUCA*.

Of particular significance for this study are the two basic facts that the ancient Israelite Asif Festival, its immediate successor, the Jewish Sukkot Festival, and its later derivatives, the Christian Festival of the Cross and the Moslem 'Ašûra Day, all seem to center, in their primary relationships at least, in the day of the fall equinox, and to be characterized in their folk-celebrations by fire rites of varying type, but all deriving unquestionably from a common source and having some immediate relationship to the position of the sun upon this day of the fall equinox. Of this more in due time.

V

SEMITIC FESTIVALS OF THE WINTER SOLSTICE

Here we may leave the Festival of the Cross for the present and turn to the consideration of another festival of modern Syria and Palestine, which has something in common with the Festival of the Cross in the content and character of its folk-celebration, the Festival of St. Barbara.

It is described by Petermann thus:¹⁴⁹ "The Festival of St. Barbara, the 4th (16th) of December, at its beginning on the preceding evening, brings families together. All manner of confectionery, previously prepared, is placed upon the table, and in the middle a bowl of cooked whole wheat grains, the water of which has been poured off, upon which sugar has been spread and upon this dragée, pistachio nuts and shredded cocoanut. In the middle of the bowl stands a burning oil light or candle, with other lights surrounding the bowl. While eating they sing:

Barbara, O Barbara!
O thou holy one, thou chosen one!
Was thy father an unbeliever,
Or one of the fire-worshippers?
He came with a sword, in order to sacrifice her;
The sword became a needle.

At the same time they take a small stick . . . hold a piece of incense, sweet-smelling resin, over the light, with the stick above

¹⁴⁹ *Reisen im Orient*, I, 123 f.

that, so that the soot adheres to its point. With this they smear the inner part of the eyes and above the eyebrows, so that a black circle results, while at the same time they say, . . . 'In thy name, O holy Barbara!' However, only the women and girls do this. The men also put the stick to their eyes without, however, touching them. But should one of them have done so through carelessness, and the mark of this be apparent still the next morning, he is mocked at." This was the manner of celebration in Damascus.

The account of the observance of the same festival in Aleppo, given by Dalman,¹⁵⁰ agrees in all essential details. "While especial practices in the home at Christmas are not found among the Christians, on Barbara-day (December 3) in Aleppo plates of boiled grains of wheat with confectionery, in which a circle of little candles has been placed, are given to the children. The children sing in the streets:

Holy Barbara,
Chosen by the Lord,
Thy father, this unbeliever;
This worshiper of stones,
Brought fire, that he might burn her;
But the fire turned to incense.
Brought water, that he might drown her;
But the water turned to ointment.
Brought a rope, that he might strangle her;
But the rope became a baptismal cloth.
Brought a sword, that he might dismember her;
But the sword became a girdle."

It must be noted that in Damascus, according to Petermann, the festival is celebrated apparently in the homes, whereas in Aleppo, according to Dalman, the children sing their song in the streets. The Aleppo version of the song is somewhat more elaborate, since it narrates four unsuccessful attempts of Barbara's father to kill her, while the Damascus version tells of only one. Likewise in the Aleppo version Barbara's father worships the stones, while in the Damascus version he worships the fire.

¹⁵⁰ *Palastinischer Diwan*, 162.

Apparently, too, the festival is celebrated in Aleppo one day earlier than in Damascus.¹⁵¹

An interesting account of the celebration of Barbara Day in the homes of Aleppo is given by Guys.¹⁵² "Among the Christians the Festival of St. Barbara is preceded by a nocturnal ceremony, which takes place in the evening, with the reunion of relatives and friends.

"It consists in blackening the eyelashes with incense, which is burned, and the soot of which is collected upon little sticks of olive wood, which are passed, when they have become cold, over the eyelashes. Incidentally boiled grain is eaten.

"Moreover, these two operations are accompanied by so many attendant ceremonies, that they engage these assemblies most delightfully for entire hours.

"In the hall, in which the assemblage occurs, a table is set and is laden with cakes, fruits, fresh and dried, which gleam with numerous candles. A place is kept for the platter containing the boiled grain, in which is stuck a great multitude of little lighted candles. Then, amid the singing of songs, a procession enters the hall, triumphantly carrying this platter.

"The grain, which constitutes the basis of this traditional repast, is mixed with small pieces of pomegranates, almonds, nuts, pistach and sweetmeats.¹⁵³

"As soon as the platter has been placed upon the table, which is only after it has been carried in the procession, in which all the assistants should participate, bits of incense are lighted in order to produce the soot to blacken the eyelashes of the ladies. The gentlemen supervise the first of these tasks.

"When this operation is finished, the men provide themselves with little sticks in order to make crosses upon the foreheads.

¹⁵¹ With this may be compared the fact already noted (above, note 87), that the Nestorians of Syria, dwelling therefore in practically the same region, celebrate the Festival of the Cross one day earlier than do the other Oriental Christians. The full import of these two interesting facts will be developed in a different connection.

¹⁵² *Voyage en Syrie*, 274 ff.

¹⁵³ In passing attention may be called to the similarity of this dish to the *haroset* of the Jewish Passover *Seder*.

All of this takes place amid singing and pleasant conversation. The ladies pay each other compliments upon the use they have made of the little black stick, or possibly they reproach themselves with not having used it sufficiently well. And if any dispute arises, a mirror is immediately brought to settle the important question. These are occasions when flattery alone does not avail, for criticism, and even causticity, also play a role.

"The remainder of the evening is devoted to making intimate acquaintance with the brilliant table, naturally beginning with the principal dish of boiled grain and ending with the more agreeable dainties.

"It must be added that all this takes place amid unspeakable outbursts of joy, which make these gatherings veritable patriarchal festivals, in which the frankest gaiety supersedes the stiff formality of etiquette and the coldness of serious assemblies. Accordingly, in these gatherings everything becomes a subject of pleasantry, and every one takes his turn in furnishing amusement, as well as in contributing by his own enjoyment to the pleasure of the others.

"The ladies frequently let themselves be induced to sing, and those with beautiful voices distinguish themselves as much thereby, as by the choice of pieces, in which taste and sentiment are manifested . . .

"Without this explanation, the attention shown the ladies by the gentlemen, of which I have spoken, would seem a veritable anomaly, for gallantry, under any form at all, is rigorously tabooed in Syrian society."

Dussaud records¹⁵⁴ that among the Nosairis the Festival of St. Barbara is celebrated on the 16th of I Tischrin. Undoubtedly he had in mind a particular Moslem year in which I Tischrin happened to fall early in the winter. Describing the festival, he says, "The Festival of St. Barbara is marked by certain interesting practices. On the preceding day, in the evening, it is customary among the Syrians to prepare pastries, sweet dishes, and to cook some grain. Friends and relatives assemble and pass the night in conversation and rejoicing. Candles are lighted, and the

¹⁵⁴ *Histoire des Nosairîs*, 149 ff.

young people, laughing and shouting, circle about the table laden with dainties. At Homs on the night of St. Barbara the women gather to glorify the saint. They light a candle, beneath which they suspend a metal vase filled with water. They collect the smoke (or soot) which is deposited there and use it as *kohol*. They imagine that the one who paints her eyes black need have no fear of eye-gum during the entire year. This is a refinement of a grosser custom, which still persists along the coast of Syria and in the Lebanon. On the night of St. Barbara the young people gather and choose one of their number, whom they call عرندس or "Lion." They blacken his face, clothe him in grotesque garments and lead him from house to house in order to obtain money or sweetmeats, crying *bissiyé Barbârah! bissiyé Barbârah!* The night of St. Barbara is called by the name 'el-bissiyé. This title today no longer has meaning, but it recalls strangely the name of the Egyptian cat-goddess, Bast. A Greek inscription, found at Sidon, mentions an Ἀβδούβαστος, whose name in Phoenician means 'worshiper of the goddess Bast.' An Egyptian inscription from Arad, found by Renan, shows that the goddess Bast was identical with Astarte. In the Lebanon and even in northern Syria the cat is still called بسة, *bassah*.¹⁵⁵ The term, 'el-bissiyé, must have been

¹⁵⁵ In this connection a matter of interest and not entirely without significance has been recorded by Baumgarten (*The Travels of a Nobleman of Germany, through Egypt, Arabia, Palestine and Syria*, in *A Collection of Voyages and Travels* (6 volumes, London, 1744), III, V, 360. "On the 11th day (January, 1508), as we were walking over the city, they shewed us a house, very large and walled round, which was full of cats: and having inquired what might be the occasion of it, we were told by very grave, serious men, that the occasion of it was as follows, viz., That when Mahomet once lived here, he brought with him a cat in his sleeve, which he was wont to stroke with his own hand and to feed her, to make much of her, and not only so, but to govern all his actions by her directions. And followers of Mahomet to this very day, in imitation of him, do keep and worship cats, and hold it for a notable piece of alms and charity to feed them. And if any of those creatures should happen to be starved for want of victuals, they reckon that he who had charge of keeping her deserves condemnation from God. For this reason you may see a great many of them, who beg meat and ox-livers and hearts in the markets to feed the cats with. But it is probable that this base and shameful superstition proceeded from some other cause. For know that Syria was possessed by the Egyptians, . . ."

attached to the mythical figure which supplanted the goddess Bast in the cult of the Syrians, and who seems today to be St. Barbara."

In the main this description of the celebration of the Festival of St. Barbara agrees with those of Petermann, Dalman and Guys. The rite of blackening the eyes of the ladies is the same as that described by Petermann and Guys. Its origin and import are difficult to determine; nor do they concern us directly other than to indicate that on this festival it seems to have been considered possible, at least in some respects, to take certain precautions or to perform certain rites, the good effects of which upon the eyes would be felt throughout the ensuing year. In other words, this festival, too, seems to have had prognosticatory character, quite as if it had something of the nature of a new year's day.¹⁵⁶

Dussaud is undoubtedly correct in his chain of argument which traces the figure of St. Barbara backwards through history, through the Egyptian goddess, Bast, whose cult seems to have entered, through the normal processes of religious syncretism, by way of Byblos into northern Phoenicia, to the ancient West Semitic goddess, Astarte. It is noteworthy that women seem to play the leading role in the ceremonies and folk-practices of Barbara Day. The song sung in honor of St. Barbara, recorded by both Petermann and Dalman, should also be borne in mind. This song represents Barbara as a virgin, slain by her ruthless and idolatrous father.¹⁵⁷

¹⁵⁶ The Harranians, on the festival at the beginning of the date-month, when the marriage of the gods and goddesses was celebrated, would offer dates to these deities and likewise would blacken their own eyes with *kohl*; En-Nadim, *Fihrist*, I, V, 12; quoted by Chwolsohn, *Die Ssabier und der Ssabismus*, II, 36. The import of this ceremony is not stated.

¹⁵⁷ According to legend, Barbara was the daughter of Dioscurus, a heathen of Nicomedia. Her father guarded her carefully and kept her shut up in a tower in order to preserve her from the outside world (in other words, the Danae legend). An offer of marriage, received through him, she rejected. This implies, of course, that she persisted in remaining a virgin. Before setting out upon a journey her father ordered that, as she had requested, a bath-house be erected for her use near her dwelling. Barbara had three windows built into it (again an element of the Danae legend) as the sign of the Trinity,

It is impossible in this connection not to link the figure of St. Barbara, in whose memory an annual festival is celebrated, in whose cult women play the chief part, and in whose honor this song is sung, with the strikingly parallel figure of Jephtha's daughter, also slain, as a virgin, by her father, in whose honor the women of Israel celebrated an annual festival with song, in which, so it is clearly implied, the heroic deeds of this maiden were commemorated.¹⁵⁸ The context of Jud. 11 suggests that it was primarily the women of Gilead who participated in this festival. It should be borne in mind in this connection that Gilead, the northernmost section of Transjordan, was at the best both politically and culturally only loosely integrated with Israel, and especially so in respect to late Israelite and early Jewish religious concepts and practices, and that its cultural and undoubtedly also its religious affiliations with Syria were quite as close as those with Israel. Therefore this Gileadite festival in honor of Jephtha's daughter may well have had marked Syrian affinities.

instead of two, as her father had commanded. When, upon his return, her father learned that she had become a Christian, he had her condemned to death, and after she had been severely tortured in many ways, he himself executed her with his own hands by decapitation. The place of her execution was upon the summit of a mountain outside the city. While she was being exhibited before her execution in the streets of her native city, her naked body was enveloped in dazzling radiance to protect her from the gaze of the multitude. While returning from the place of execution her father was struck by lightning and killed. Because of this she has come to be regarded as the patroness of the dying and also as protectress against lightning, fire, explosives, artillery and the like. (Kirsch, in *Catholic Encyclopedia*, II, 235a; *Religion in Geschichte und Gegenwart*, I, 913; Herzog-Hauck, *R. E.*, II, 395; Weninger, *Die Legenden der Heiligen*, II, 789-794; Hanauer, *The Folk-Lore of the Holy Land*, 304 f.) According to a local tradition she is buried at Babylon in Egypt (Sir John Maundeville, *Travels*, 144). According to another local tradition her grave is shown in Karmelis, near Mosul, and also the palace of her father (Niebuhr, *Reisebeschreibung*, II, 351.) For a possible identification of Barbara with Abarbarea, the nymph of a holy spring near Tyre, cf. von Baudissin, *Studien zur semitischen Religionsgeschichte*, II, 157. It should also be noted in this connection that according to Lucian, the thunderbolt was one of the things sacred to the Syrian goddess, the Hieropolitan form of Astarte (Selden, *De Diis Syris Syntagmata*, 256).

¹⁵⁸ Judg. 11.40. For תָּנִים, "to celebrate with song," cf. "Psalms 8 and 19A," *HUCA*, XIX (1946), 491-493.

That the figure of Jephtha's daughter was in origin a form of the ancient Semitic mother-goddess, especially in the quite common form of a virgin-goddess, rather than an actual, historic personality, has long been recognized by scholars.¹⁵⁹ She must

¹⁵⁹ In this connection the words of Jephtha's daughter to her father, in v. 37, וירדתי עליהררים, "And I will descend upon the mountains," acquire deep import. The versions, obviously troubled by the literal meaning of these words, have endeavored to reinterpret them as "And I will roam up and down the mountains." But not only is this not at all the import of the perfectly intelligible clause of *MT*, but also it solves the inherent problem in no respect; for this very procedure on the part of Jephtha's daughter would be meaningless except in a ritualistic or mythological sense; for otherwise why should a virgin, doomed to perish as a sacrifice, roam for two months up and down the mountains bewailing her impending virgin death, as the narrative implies that she does? Certainly the actual wording of *MT* implies a descent from heaven on to the mountain tops (cf. Ex. 19.18), and this, in turn, as also the other elements of the narrative, clearly conceives of Jephtha's daughter as normally resident in heaven, in other words as a goddess, and presumably an astral goddess at that.

In this connection also, and as further evidence of the intimate relationship of the figures of Jephtha's daughter and St. Barbara, it should be noted that, according to Jewish legend, Jephtha's daughter was sacrificed by her father at the winter solstice, in the month of Tebet, and that Jephtha, like Barbara's father, was punished by a horrible death for his slaughter of his daughter. Also the maidens of Gilead bewailed Jephtha's daughter four times a year, viz. at the two solstices and the two equinoxes (Ginzberg, *Legends of the Jews*, IV, 46; VI, 204). Actually the biblical record says that the mourning festival for Jephtha's daughter, celebrated by the women of Gilead, was observed only once in the year, but endured over four days. The later legend, based though it is upon a misinterpretation of the biblical statement, seems, however, to preserve a reminiscence that this festival was of distinctly solar character and was associated in some way with either one of the solstices or one of the equinoxes.

Another legend, somewhat parallel to and illuminating of the story of Jephtha's daughter, is recorded by Theodore bar Koni (probably of the eighth century A. D.; quoted from von Baudissin, "Tammūz bei den Harrānern," *ZDMG*, 66 [1912], 176 f.; cf. also *Adonis und Esmun*, 75 f.) as follows: "Tammuz was, it is said, a shepherd, and loved a woman who was famed and extolled for her beauty. She was from the island of Cyprus and was called Belti, her father Heracles, her mother Arnis, and her husband Hephaestos. She fled with Tammuz, her lover, to the Lebanon Mountains. She was also called Estra (Astarte, the planet Venus); because of her depravity her father had given her this name. Her father mourned for her for seven days in the month of Tebet (January) . . . Hephaestos, her husband, followed her into the Leb-

undoubtedly have been a local form of Astarte.¹⁶⁰ The biblical record gives no indication whatever at what season of the year the annual festival in honor of Jephtha's daughter was celebrated; but surely it is not at all far-fetched to regard the Festival of St. Barbara, the ancient origins of which are unmistakable, as directly related to this ancient festival in honor of Jephtha's daughter. This conclusion becomes doubly probable when we remember that practically all our evidence for the Festival of St. Barbara has come from Syria rather than from Palestine. Seemingly the figure of St. Barbara and her festival are more deeply rooted in Syria than in Palestine.

At this point, we must direct our attention to still another Syrian festival of closely related character, which will add an important link to the chain of evidence which we are attempting

anon Mountains. Tammuz encountered him and slew him; but he, too, died, torn by a wild boar. That harlot died likewise of grief over his corpse because of the love which she felt for Tammuz. Her father instituted, when he learned of her death, a mourning festival in the month Tammuz, and also the parents of Tammuz mourned for her."

Here we have most of the elements of the myth of Jephtha's daughter, the astral goddess who roams up and down the mountains, in whose death her father plays a certain role, and for whom, in this case, not only one, but two festivals are celebrated each year, at one of which her death is commemorated by mourning rites. It should be noted, too, that these two festivals seem to bear a reciprocal relation to each other in that one came in Tammuz, the month of the summer solstice, and the other, celebrated for seven days, in Tebet, the month of the winter solstice. The relationship of this figure of Belti to St. Barbara and also to Jephtha's daughter, and of her festival in Tebet to Barbara Day, at the same season of the year, and also to the festival in honor of Jephtha's daughter, is unmistakable.

The one element of the legend of Jephtha's daughter, viz. her descent from heaven on to the mountains of Gilead, is paralleled by the legend of the descent of Astarte upon a certain day in each year in the form of a fiery star from the top of the Lebanon Mountains into the Adonis River at Aphaca (Robertson Smith, *Religion of the Semites*³, 175, note 1; 193). The legend of the star falling from heaven appears again in connection with Astarte in Sanchuniathon (Cory, *Ancient Fragments*, 16).

¹⁶⁰ In this connection it should be noted that Sanchuniathon told that Persephone, one of the daughters of the mighty deity Kronos, died as a virgin (Cory, *op. cit.*, 11). Manifestly the concept of the dying virgin-goddess was widely current in Phoenicia, and no doubt in Syria as well.

to fashion. The so-called *Acta Dasii*¹⁶¹ tell of a festival which was celebrated by the Roman legions encamped at Durostorum in Lower Moesia. The festal period endured regularly for thirty days and, of course, always at the same season of the year. In the year 303 A. D. it began on November 18th and reached its climax and end on December 17th. The festival was celebrated in honor of the deity, Kronos. At its beginning a man was chosen to impersonate the god. He was clothed in royal garments and during the thirty days period he played the role of the divine king, enjoying all manner of privileges and was even permitted much license. At the end of the thirty days, upon the last, and what must therefore have been the climactic, day of the festival, he was required to sacrifice himself voluntarily in honor of Kronos. He was expected to meet his death with a smile and in a jovial mood.

In this year, 303 A. D., a Christian soldier, Dasius, was chosen by lot to play the festal role. But as a pious Christian he refused to participate in heathen rites and chose rather to die as a martyr to his faith. He was selected for the role on November 18th. He seems to have been put to death as a martyr on Nov. 20th, i. e. long before the termination of the festal period, when normally he should have died a voluntary, self-executed death. This chain of circumstances seems to have been interpreted as a portent of evil by the Roman soldiery, quite as if, as the result of Dasius' failure to play his destined part, a great calamity were impending, which would affect the entire community. The underlying implication is that the voluntary human sacrifice was directed to the end of securing divine favor for the group to which the human victim belonged, whether that group were the Roman army or some particular community, people or nation. A festival such as this, characterized by a sacrifice of such extreme character and offered with such specific purpose, has the fundamental earmarks of a new year's day.

And as such Weber has interpreted this festival of the Roman

¹⁶¹ For the account and interpretation of this festival cf. W. Weber, "Das Kronosfest in Durostorum," *Archiv für Religionswissenschaft*, XIX (1919), 316-341, and the references cited there.

army in the camp at Durostorum in the year 303 A. D. He has shown conclusively that, although celebrated by the Roman legions, this festival had little or no Roman connections or background, that instead it was a festival entirely of Syrian origin and character, and in fact the ancient Syrian New Year's Day. He has shown, moreover, and this fact is strongly substantiated by Boll,¹⁶² that Kronos, as worshipped in this festival, was actually a solar deity, the god of the diminishing sun. Boll has, furthermore, indicated that the festival of this deity in this significant role, had a natural connection with the winter solstice, which marks the end of the period in which the sun seems to be diminishing in size, heat and light. These considerations suggest very strongly that the voluntary self-sacrifice of the victim, who was required to meet his end with a smile upon his face, not only symbolized the death and rebirth of the sun, but also, through the principles and processes of homoeopathic magic, was designed to stimulate this process of nature, so necessary for the continued existence of mankind. Festivals and festal rites such as this and with precisely this purpose are common among primitive peoples in all parts of the earth.¹⁶³ And realizing the nature of this festival and the immediate purpose of the human self-sacrifice, we can appreciate the basis of the consternation and foreboding which seem to have resulted from the refusal of Dasius to play in prescribed manner the assigned but unwelcome role. The implication was certainly that the sun would not be reborn at all on his destined *dies natalis*, or else, if reborn, would be weak and impotent, with the inevitable result that the new year, about to begin, would, lacking the normal measure of sunshine, be marked by inadequate crops and resultant famine. These considerations make the New Year's Day character of the festival and likewise its close relationship to the winter solstice clearly apparent.

Weber has very properly and illuminatingly linked the observance of this festival, performed in honor of Kronos, with its voluntary self-sacrifice of a human victim, with Sanchuniathon's account of Kronos' sacrifice of his only son in honor of

¹⁶² "Kronos-Helios," *ibid.*, 342-345.

¹⁶³ Cf. Frazer, *The Golden Bough*; *The Dying God*.

his father, Ouranos.¹⁶⁴ Actually Sanchuniathon tells elsewhere¹⁶⁵ that Kronos slew with his own sword his son, Sadidos,¹⁶⁶ because he was suspicious of him. Kronos likewise cut off the head of his own daughter. These are probably merely three different versions of one and the same ancient legend or, perhaps, even more probably, festal cult-procedure. If so, it is significant for our study that the one version represents the person sacrificed as a woman, the daughter of the sacrificer, who, like St. Barbara, was put to death by her father, by decapitation. The analogy with the the legend of Jephtha's daughter is also self-apparent. The voluntary human victim in the festival rite as celebrated at Durostorum, who was clothed in royal garments, and thus clearly played the role of the god himself, symbolized the divine son, sacrificed by his father,¹⁶⁷ Kronos; but he also symbolized Kronos himself;

¹⁶⁴ Cf. Cory, *op. cit.*, 16.

¹⁶⁵ *Ibid.*, 13.

¹⁶⁶ Perhaps Sadidos may mean, etymologically, "the only one," *i. e.* "the only son," cf. سَدِيدٌ, "to be apart from; to be alone," Lane, *Arabic-English Lexicon*, 1521c.

¹⁶⁷ Beyond all question the story of the sacrifice of Isaac in Gen. 22, must also be linked with this chain of cult legends. The story tells that Isaac, Abraham's only son (v. 16), by Sarah, his wife, was about to be sacrificed by his father. The story seems to imply also that, if not actually a voluntary, Isaac was not at all an unwilling, sacrifice. Moreover, the name, Isaac (*yishak*), means "He laughs." (The motivation of the name in Gen. 18.12-15 is anything but satisfactory, for there it is Sarah who laughs. This might explain a name, *Tishak*, but certainly does not explain *Yishak*. The explanation of the name in Gen. 21.6 is better, so far as the grammatical form is concerned, but otherwise is forced and artificial. It is obviously a late interpolation into a text which is itself none too early, and all in all has less of the folk-flavor and is no more satisfactory than is that of Gen. 18.12-15.) The motivation of the name, "He laughs," reminds strongly that the voluntary human victim in the festival at Durostorum was expected to sacrifice himself with a smile upon his face. According to rabbinic Jewish tradition Isaac prepared to die as a sacrifice voluntarily and in a cheerful frame of mind (cf. Ginzberg, *Legends of the Jews*, I, 279). Also, according to one rabbinic tradition, the day of the sacrifice of Isaac, just as that of the festival at Durostorum, was the New Year's Day; according to another rabbinic tradition it was the Day of Atonement (*ibid.*, V, 252, 253, 255); but the Day of Atonement, *i. e.* VII/10, was originally the New Year's Day ("The Three Calendars of Ancient Israel," 22-43).

It is clear that the Isaac story contains most of the essential elements

of the ancient solar cult legend which we have found, in varying forms, in the traditions of Jephtha's daughter, the son, and also the daughter, of Kronos, the human victim of the festival at Durostorum, St. Barbara and, as we shall soon see, also in the tradition of the death of Agrippa I. With the possible exception of the narrative of the death of Jephtha's daughter, the Isaac story is the oldest record of this legend known to date, though the possibility must be recognized that an even older version may some day come to light in the steadily expanding Ras Shamra literature. Manifestly the Elohist author of the story of the sacrifice of Isaac must have been acquainted with the ancient Northwest Semitic solar cult-legend and did not hesitate to employ elements of it freely to build his story in support of his thesis that the God of Israel does not demand human sacrifice, but instead asks for the substitution of an animal sacrifice in its stead (cf. "The Oldest Document of the Hexateuch," 79-90).

It is possible perhaps to carry this interpretation of the original, mythological import of the figure of Isaac one significant step forward. We have already made reference to the inappropriate and inadequate character of the interpretation of the name, *Yishak*, given in Gen. 18.12-15. Actually the biblical literature contains two other interpretations of the name. Gen. 17.16-19 records that when Abraham heard the divine promise that Sarah would bear a son to him he laughed at the thought that a child should be born to a man one hundred years of age by a wife ninety years of age. But God reaffirmed His promise and commanded Abraham that he should name the child *Yishak*, impliedly because Abraham had laughed when he first heard the divine offer. This is the interpretation of the name given by P. But apparently P had no great confidence in this explanation of the name, for shortly thereafter, in Gen. 21.6, he offers another, equally far-fetched and no more satisfying explanation of the name. He represents Sarah as saying, with reference to the birth of a child at her advanced age, "God has wrought laughing at me; whoever hears will laugh at me." Impliedly the child was called *Yishak* because of these words of Sarah.

It is self-evident that none of these interpretations of the name can be correct; but they do establish that the name, *Yishak*, was believed to be symbolic and that the symbolism was linked with some circumstance attendant upon the birth of the child. In his very illuminating work, *Die Geburt des Kindes* (pp. 59-72), Norden has shown conclusively that in the mythology of the ancient Near East the divine child, the solar god, born of a virgin mother, and at one of the solstices or equinoxes, usually at the winter solstice, was thought to smile or laugh towards his mother immediately after birth. Inasmuch as we have seen that behind the biblical Isaac legend seems to lie the ancient Semitic myth of the youthful sun-god, who was offered as a voluntary sacrifice by his father, it seems altogether natural to interpret the actual origin of the name, *Yishak*, in relation to this myth, and as meaning or implying "He laughs or smiles (at his mother, the virgin goddess, immediately at birth)." In ancient Israel it was the mother who regularly gave names to her children (Cf. "Beena Marriage [Matriarchat] in Ancient Israel and Its

Historical Implications," *ZAW*, VI [n. F.] [1929], 94 f.). The name was usually suggested by some circumstance attendant upon the birth (cf. Gen. 4.1; 1 Sam. 1.20; 4.21; Isa. 7.14). What name therefore would be more appropriate and natural for a divine child who smiles or laughs towards his mother at birth than *Yishak*, "He laughs"? It may well be therefore that this very name itself reflects the mythological origin of the figure of Isaac.

This hypothesis may be borne out by further biblical evidence. The two attempts of the P writer to interpret the name, referred to above, seem to suggest that in so doing he was trying desperately to suppress another, and no doubt the true and original, symbolism of the name, which was, for obvious reasons, unacceptable to him. None the less some of the elements of the ancient Semitic solar myth seem to linger on even in the P version of the birth of Isaac. Gen. 17.21 (cf. 21.2) tells that the annunciation of the impending birth of Isaac was made to Abraham at a *mo'ed*, i. e. a festal occasion, usually an equinoctial or solstitial festival, one year before the birth actually occurred. This procedure parallels exactly the annunciations of the births of both John the Baptist and of Jesus, likewise at solar festivals, as recorded in the N.T. (cf. Norden, *op. cit.*, 109). Likewise the statement in Gen. 17.20 that Isaac would beget twelve "princes," is of more than passing interest. In the biblical tradition proper the reference is, of course, to the twelve sons of Jacob. But these were actually the sons of Jacob and not of Isaac. Likewise the title, *n'si'im*, "princes," applied to the sons of Jacob, is strange indeed. But if we remember that as a figure of Semitic mythology Isaac was a form of Kronos, the solar time- or year-god, the twelve "princes" whom he is destined to beget may well be the twelve months of the solar year.

That basically Isaac was a figure of ancient Semitic solar mythology, and that not a little of this solar mythology still lingers about him in the biblical narrative seems unmistakable. In this connection it may be noted, too, that Norden cites the tradition that Zoroaster laughed at birth (*op. cit.* 65).

It is significant, too, that a number of important motifs of the Isaac solar myth repeat themselves in the Samson legend. Of all the biblical narratives this Samson legend has long been recognized as having a distinctly solar mythological basis. The very name, שמסון, designates this hero as "the Little Sun" (cf. Barth, *Die Nominalbildung in den semitischen Sprachen*², par. 212, p. 348 f.). Samson's birth, too, is preceded by an annunciation thereof, through a divine messenger, first to his mother and then to both parents. He, too, is born, through divine intervention, to a woman who had long been barren. He, too, dies as a voluntary sacrifice for the well-being and salvation of his people. His death transpires at a great Philistine religious festival. And of particular import is the fact that in the Samson narrative the motif implicit in the name, *Yishak*, viz. "laughing" or "causing to laugh; making sport" occurs; for the Philistines have Samson brought at their festival to "make sport for them, to cause them to laugh." (Judg. 16.25, 27; notice the double form of the verb here employed, both צחק and שחק; and with the latter cf. the variant form of the name, שחק, Jer. 33.26; Amos 7.9, 16; Ps. 105.9). These striking parallel-

for in all such solar festal celebration the dying solar deity is reborn as the revived sun of the new year.

What makes this festival of particular significance for our study is the precise moment of its celebration. In 303 A. D. the thirty days festal period extended from November 18 through December 17. Actually, however, as Weber has indicated,¹⁶⁸ without, however, being able to appreciate the actual import of this evidence, the festival began officially upon the 24th of a lunar month, in the Semitic calendar reckoning, and so, after thirty days, it terminated likewise upon the 24th of the next lunar month. Remembering that the festival began upon November 18 and ended upon December 17, and translating these dates into the terms of a Semitic lunar calendar, it follows that the festival began upon VIII/24 and reached its climax and terminated upon IX/24.¹⁶⁹ But, as we have seen, IX/24 was the date upon which the Jewish people were accustomed to gather in Jerusalem for the observance of a festal occasion marked by fasting, mourning and self-humiliation. And, as we have likewise seen, the night of IX/24 of this early post-exilic Jewish calendar, was identical with the first half of IX/25 of the late post-exilic Jewish calendar; and IX/25 was the date of the beginning of the Chanukkah festival and also of its immediate historic antecedent, the festival of the supreme deity of the Syrian pantheon, Baal Shamem. And it was upon this Syrian festival, in 167 B. C., that the Temple at Jerusalem was rededicated to the worship of this Syrian deity. From this simple but important fact alone we have surmised that this festival on IX/25 must have been a Syrian New Year's Day festival. We now find this conclusion completely corroborated by the evidence flowing from the account of the Syrian New Year's Day festival celebrated by the Roman legions at Durostorum almost five centuries after the celebration of the Syrian festival in Jerusalem.¹⁷⁰

isms between the Isaac and the Samson legends confirm our conclusion that basic to the biblical Isaac narrative is an ancient Semitic solar myth.

¹⁶⁸ *Op. cit.*, 322, note 1.

¹⁶⁹ This festival would then have terminated upon the day immediately preceding the date of the present-day Festival of St. Barbara.

¹⁷⁰ There is an unmistakable parallelism between this festal procedure

of the Roman legions at Durostorum and the account of the death of Agrippa I, as recorded in Acts 12.21-23 and Josephus, *Ant.*, XIX, 8, 2. As we have learned, in the ritual of the festival at Durostorum the human victim, destined for self-sacrifice at the end of the thirty days festival period, was clothed in royal robes and played the role of the god himself, and finally met his death in the fulfilment of this role at the climax of the festival. Acts 12.21-23 records that while Agrippa I was at Caesarea, in the year 44 A. D., "upon a set day, (i. e., very probably, upon a מועד [cf. Gen. 17.21; Ex. 9.5 and *passim*]), arrayed in royal apparel, he sat upon his throne and made an oration. And the people gave a shout saying: It is the voice of a god, and not of a man. And immediately the angel of the Lord smote him, because he gave not God the glory; and he was eaten of worms, and gave up the spirit." Josephus' account is more detailed and vivid. He tells that on the second day of a festival, which was celebrated at Caesarea, obviously therefore a heathen festival, Agrippa donned a garment made wholly of silver and of wondrous texture, and came to the theater early in the morning. The silver of his robe, illumined by the rays of the sun, gleamed forth in startling manner. Observing this, the people began to hail him as a god, and to supplicate him to show them favor. This acknowledgment of his divinity the king accepted. But just then he observed an owl, sitting on a rope above his head, and understood this as an omen heralding his imminent death. He was immediately seized with a fatal illness. He lingered for five days. During this period the people, men, women and children, gathered before the palace in sackcloth and with deepest mourning. At the end of this five days period the king died.

In Josephus' account many momentous facts stand out; (1) a heathen festival at Caesarea; (2) the king clad in a shining robe, which reflects the sun's rays and so makes his being radiant as the sun; (3) his appearance in the theater on the morning of the second day of the festival, *i. e.* presumably at sunrise, when the rays of the sun are reflected from his person, so that to the assembled throng he seems like the sun itself; (4) his being hailed as a god by the people, an identification which he accepts with equanimity, quite as if he were consciously playing a divine role; (5) the supplications of the people that in his role as a god, and obviously a sun-god at that, he bestow his favor upon them; (6) his death after five days; (7) the total duration of the period from the beginning of the festival to the king's death, *viz.* seven days.

It is difficult to avoid the conclusions that this was no ordinary festival, and that in its celebration Agrippa played a role essentially identical with that of the victim of the voluntary self-sacrifice of the festival at Durostorum.

There are no clear indications at just what season of the year this festival at Caesarea was celebrated. Schürer (*Geschichte des jüdischen Volkes im Zeitalter Jesu Christi*³⁻⁴, I, 562, note 44) holds that the death of Agrippa occurred shortly after the Passover. He bases this conclusion upon Acts 12.3. But Acts 12.20 seems to imply that some time elapsed between the event chronicled in 12.1-19 and Agrippa's death at the festival. Accordingly Wieseler (*Chronologie des apostolischen Zeitalters*, 129-136; quoted from Schürer) con-

This festival of Syrian origin, celebrated at Durostorum, must necessarily be coordinated with the Festival of St. Barbara and also with the festival celebrated in Gilead in honor of Jephtha's daughter. All three festivals were celebrated at approximately the same moment in the solar year, very close to the winter solstice. In all three festivals a human sacrifice was offered or its death was commemorated. In two of the festivals the human victim was a woman. In two of the festivals, just as also in the Kronos legend of Sanchuniathon, the human victim was slain by his or her father. In two of the festivals the human victim was a voluntary sacrifice, while this element seems not entirely lacking in the other, parallel cult-legends. The identity of the legends, and with them of the festivals with which they are linked, can scarcely be denied.

But the account of the festival at Durostorum has also provided a basic linkage with the festival celebrated in late pre-exilic and early post-exilic Judaism on IX/24; and this, in turn, connects the festival at Durostorum, and with it the festival in honor of Jephtha's daughter and the present-day Festival of St. Barbara, with the Syrian festival on IX/25, and this, in its turn, with the Jewish Chanukkah festival. All of these festivals,

cludes that the death of Agrippa took place upon August 6th. As Schürer has indicated, Wieseler's argument is inconclusive. Obviously, the precise date of the festival cannot be determined. However, the fact that Agrippa appeared in radiant garb and playing the role of a sun-god apparently just at sunrise, so that the first rays of the rising sun were reflected from his person, suggests that this was in all likelihood an equinoctial or solstitial festival. And this fact, coupled with other details of the festival listed above, and above all else with the supplications of the people for divine favor (cf. the established practice in the celebration of the Sukkot Festival of the Jewish people supplicating in the words of Ps. 118.25, "O Lord, grant us salvation; O Lord, cause us to prosper"), suggests that for the population of Caesarea it was an equinoctial or solstitial New Year's Day festival. More than this cannot be determined. But the close similarity of this festival at Caesarea, with a human victim in royal garb playing the role of the dying solar deity, with that at Durostorum shows how wide-spread throughout the Semitic world and how persistent was this type of festival. And the fact that it was a heathen festival at Caesarea suggests that it, too, was of Syrian origin and character, and therefore had a much closer relationship than that of mere similarity with the festival at Durostorum.

as they were observed by the Syrians, and probably also by the ancient Gileadites, must have been New Year's Day festivals, festivals of the dying and reborn sun. But the related Jewish festivals, that on IX/24 in the early post-exilic calendar, and the Chanukkah festival, were not celebrated as New Year's Days, due to the fact that, unlike in Syria, in Palestine, especially in the post-exilic period, the New Year's Day was observed at an altogether different moment in the year, upon VII/10, VII/1, or, later, upon I/I.¹⁷¹

It is clear from all this that the account of the festival at Durostorum supplies the indispensable link which unites the chain of evidence, which we have gathered, into a perfect circle of argument and conclusion.

In this connection certain observations of Dalman regarding Barbara day¹⁷² acquire double significance. After recording that in the popular belief of Palestine this festival is of no less importance than Christmas and Epiphany, he continues: "This festival on the 4/17th of December, is looked upon not only as forecasting the weather but also as marking the beginning of the lengthening of the days."¹⁷³

"On Barbara Day the urban population give to the children platters of boiled wheat (*selīka*) and confectionery (*mlebbas*), in which in Aleppo at times a circle of twelve lighted candles is stuck. In Jerusalem a similar plate is set upon the floor during the night for each member of the family, so that Mar Saba, the saint of December 5th, may tread upon it, which reminds one of a similar New Year's Day custom."¹⁷⁴

"In Syria many persons blacken their faces and go from house to house with the shout, *bissīje birbāra*, of the meaning of which Harfouch¹⁷⁵ was not certain.

¹⁷¹ Cf. "Supplementary Studies in the Calendars of Ancient Israel," 76 ff.

¹⁷² *Op. cit.*, I, 270-274.

¹⁷³ *I. e.* as marking the winter solstice.

¹⁷⁴ *Op. cit.*, I, 27 f.

¹⁷⁵ *Drogman Arabe*, 72. Perhaps with this blackening of the faces of the participants in the celebration of the Festival of St. Barbara and the shout, *bissīje birbāra*, reminiscent of the Egyptian goddess, Bast, and her syncretism with the Semitic mother-goddess in the cult of Byblos, may be linked the

"In Jerusalem the processions seem to be unknown. But an especially beneficial effect upon the eyes is ascribed to the incense burned upon this day. With the soot thereof the eyelids are blackened, and it is used throughout the year as eye-salve. The peasants are not acquainted with this custom, but they too carry bowls of boiled wheat (*selīka*) to the church, have it blessed there, bring it home as 'blessing' (*barake*), and distribute the contents to the children and acquaintances. In Damascus, in addition to the boiled wheat, *katāif*, there are the festal sweet-meats. These are small fritters of unsweetened yeast-dough, which are folded, filled with sweets and are then baked a second time.¹⁷⁶

"Only the Christian urban population have the custom, to set forth *ṣḥūn burbāra*, 'Barbara platters,' on this day. In these platters grains of wheat, chickpeas, lupins, and kernels of other grains are laid and water is poured over them. They remain there for several weeks; the grains germinate and sprout, so that about Christmas they become green. With this their purpose is fulfilled. When they have lost their beauty, they are cast out; this act has no particular significance. . . . The thought implicit in these Barbara-platters seems to be that when vegetation is at its lowest point in nature, as it is at the time of the winter solstice,

epithet, الشحمية, "the black," which the ancient Harranians applied to their goddess, Balthi (Chwolsohn, *Die Ssabier und der Ssabismus*, II, 33 quoting En-Nadīm, *Fihrist*, and note 275). It should be noted, too, that the Haranian festival for Balthi was celebrated in December, *i. e.* at approximately the same moment in the year as the Festival of St. Barbara, and also that it was a tent-festival, *i. e.* it was celebrated by the erection of a tent in the body of the temple. This tent was decorated with flowers and fruits and sacrifices were offered before it. The festival celebration continued for seven days. Manifestly, although celebrated in December, this festival, in its manner of celebration, exhibits striking similarity to the Jewish Sukkot Festival. And this recalls, in turn, the emphasis laid in 2 Macc. upon the fact that the Chanukkah Festival was celebrated after the manner of Sukkot and upon the specific name which 2 Macc. 1.9, 18 applies to the Chanukkah Festival, "Festival of Booths in the Month Kislev;" cf. Rankin, *The Origins of the Festival of Hanukkah*, 91 ff.

¹⁷⁶ These remind us strikingly of the so-called "Hamantaschen," the characteristic cakes of the Jewish Purim Festival

new life should spring up and should thrive for the corresponding revivification of the inhabitants of the house.

"The wheat, soaked and burst open (*selika*), plays likewise a role in ceremonies for the dead; in the Greek church it serves as a symbol of the resurrection, and was probably originally a gift to the chthonic gods. . . . Here the *selika*, which is also used by the Moslems in their New Year's rites, stands in relation to the exhausted strength of nature, whose revivification is expected, and which every person seeks to apply to himself. The lights would then be related to the solar deity, from whom the renewal of life emanates, while their number, twelve, suggests the agricultural year, which is controlled by the sun, and which is soon to begin.¹⁷⁷ The winter solstice, which occurs not long

¹⁷⁷ These twelve candles upon Barbara Day may well parallel the twelve (or six, or seven) heaps of salt which are set out on the Festival of the Cross (above, p. 73). And just as that ceremony had prognosticative character and purpose, to forecast the relative rainfall of each of the months of the year, so in this rite the twelve candles may each have represented a specific month of the year, and the manner in which each separate candle burned may have prognosticated the degree of solar heat and light which would obtain in the corresponding months of the solar year. A folk-custom comparable to this is recorded by Nilsson, "Studien zur Vorgeschichte des Weihnachtsfestes," *ARW*, XIX (1916-1919), 120, that the weather upon each of the first twelve days of January is thought to forecast what the weather will be in each of the corresponding twelve months of the year just beginning.

What seems to have been in origin a similar practice of weather divination or forecasting was, according to En-Nadīm, current among the ancient Haranians (Chwolsohn, *Die Ssabier und der Ssabismus*, II, 26). On the 27th of Chazirān (June; therefore at about the time of the summer solstice) as part of the celebration of a mystery rite, "The priest brings a bow, stretches it and sets to it an arrow, to which a torch has been fastened, at whose point fire is burning, and which is made out of wood native to the Harranian country, on whose wool-like outer covering fire burns like a candle. The priest shoots twelve arrows and then runs on all fours, like a dog, until he has brought all the arrows back. This performance he repeats fifteen times, always carefully observing the portents. If he allows the torches to be extinguished it portends that the festival has not pleased (the gods); but if they are not extinguished, it follows that it has proved acceptable (to the gods)." Unquestionably En-Nadīm's explanation is vague and gratuitous and evidences no more than that he realized that the peculiar rite here described had divinatory or portentous character. But a fire-rite such as this, of divinatory character, performed at or very close to the time of the summer solstice, in which the

after the 4/17th of December, is for this the decisive moment; therefore this day is regarded as well suited to impart new brightness to the eyes. The painting of the eyelids is in Cairo customary on *sabt en-nūr*, the Saturday before Easter;¹⁷⁸ in North Africa it is one of the customs of the 'Aššūra Day, the Moslem New Year's Day, which, now wandering through the entire year, was almost certainly originally celebrated in the fall. Akin to this is the preparation of water for the anointing of the eyes during the first ten days of *Muḥarram*, which includes the 'Aššūra Day, in Jerusalem. In all these rites and ceremonies the assumption of reawakening life is basic. The processions on Barbara Day, with unrestrained conduct and blackened faces, are similar to the processions of the same character, which occur in modern Greece during the twelve days between Christmas and Epiphany, and also in the celebration of the Jewish Purim festival. The processions of the rural Dionysia at the end of November or the beginning of December correspond in the time of their celebration to the Saturnalia, which in the Roman Empire and also in Palestine were celebrated on December 17th. According to Mannhardt,¹⁷⁹ these should suggest the representation of demons of vegetation. . . . Saturn was the god of the seed, at this

arithmetical formula, $12 \times 15 = 180$, plays a manifestly basic role, can have had but one single import, viz. to prognosticate through the burning or extinction of the fire of the burning arrow in this or that flight, whether the sun would shine on the corresponding day of the total one hundred and eighty days of the six months of the second half of the solar year.

Quite similarly, it may well be that Elijah's procedure (1 Ki. 18.54) in pouring water from four full vessels three times upon the altar at Mt. Carmel, i. e. twelve pourings all told, in what was obviously a homoeopathic magical rain ceremony, performed upon the New Year's Day (cf. *Amos Studies*, III, 178-186), and of double significance in this particular year, when rain was so desperately needed, had also a portentous character, in that each of the twelve pourings or libations symbolized a month and the entire ceremony symbolized a complete year, the new year just beginning. A different explanation of the ceremony, and particularly of the role of the four pitchers therein, though not of the threefold repetition of the rite, is offered by Patai, *op. cit.*, II, 155 f., note 175.

¹⁷⁸ This custom is observed in Upper Egypt as well as in Cairo; cf. Blackman, *The Fellāḥin of Upper Egypt*, I, 262.

¹⁷⁹ *Antike Wald- und Feldkulte*, II, 200 ff.

season entrusted to the earth. In Phoenicia he was equated with the Baal of Tyre and Beirut, and could just as well be compared with the sun-god as the god of the weather. St. Barbara could then suggest the mother of Adonis, whom the gods protected from the vengeance of her father, and is therefore probably the innocent heiress of customs, which originally had an altogether different background."

It is quite clear that Dalman, too, sensed that St. Barbara is actually in large measure but a Christianized form of the ancient Semitic mother-goddess, just as was Jephtha's daughter, and that the characteristic rites of her festival, and among them the kindling of the candles, usually twelve in number, have their roots in ancient Semitic religious festival practices which must have been current in Syria. And if it be, as was suggested above,¹⁸⁰ that the kindling of the twelve candles of the Barbara Day ritual was primarily a divinatory rite, to prognosticate the degree of sunshine in each month of the ensuing year, then it follows that, just as Dalman has suggested, the flame of each little candle symbolized, in origin, the sun itself, even though the memory thereof has long been lost in the folk-celebration of the festival. But if this be correct, then it follows further, and with almost complete certainty, that the festal fires, with which we have dealt thus far in this study, those of the Israelite-Jewish Asif-New Year's Day Festival and of the derivative sacred occasions, the Festival of the Cross and 'Aššûra Day, as well as those of Midsummer Day and parallel occasions in the folk-practice of Semitic peoples and of other races and peoples, must likewise have symbolized the sun.¹⁸¹

The following details stand out in connection with the folk-celebration of the Festival of St. Barbara: (1) It is celebrated in close proximity to the winter solstice. (2) It marks the moment in the year when the days begin to grow longer and the nights shorter.¹⁸² (3) It marks likewise the beginning of the

¹⁸⁰ Above, note 177.

¹⁸¹ *The Golden Bough*³; *Balder the Beautiful*, I, 331-341.

¹⁸² So also Canaan, in *ZDPV*, XXXVI (1913), 287. Note the two folk-axioms pertaining to the Festival of St. Barbara there quoted by him; cf. also Le Strange, quoting Muḩaddasī, *op. cit.*, 76.

winter rains.¹⁸³ The platters of grain, which are kept in the houses until they sprout and turn green, are decidedly reminiscent of the so-called "gardens of Adonis"¹⁸⁴ with their acknowledged homoeopathic magical fertility character and purpose and their usual association with solstitial or equinoctial festal rites. The license, or, perhaps better, the frivolity, between the sexes, as we have seen, a characteristic element of the celebration of this particular festival, strictly taboo throughout the remainder of the year, parallels the frivolity between the sexes which played such a role in the early stages of the celebration of the שמחת בית השואבה in the Temple at Jerusalem that the priestly authorities had to terminate it by building a balcony in the Temple court and restricting the women to it.¹⁸⁵ Moreover, (4) the beneficial effect during the ensuing year, which the ceremony of blackening the eyes is popularly supposed to exercise, suggests that the Festival of St. Barbara had in origin some relationship to the New Year's Day.¹⁸⁶

Summed up, the implication of all this evidence is that the Festival of St. Barbara was originally an occasion in the year of extreme significance in the agricultural and religious life of its observers, and this in three particular aspects. (1) It marked the beginning of the winter rains, which were indispensable for the crops; it had, in other words, direct relationship to the state of the weather. (2) It was unquestionably a festival of the winter solstice, i. e. it had a distinctly solar character. Its most characteristic ceremony, the kindling of candles, usually twelve in number, was fundamentally a homoeopathic magical rite, the like

¹⁸³ Cf. Ezra 10.9. This consideration, that the Festival of St. Barbara is thought by the peasants of Palestine today to mark the beginning of the winter rains, tends to equate it once again with the festival celebrated in Ezra's day by the people of Judah on IX/24.

¹⁸⁴ Cf. Frazer, *The Golden Bough*³; *Adonis, Attis and Osiris*², 194-216. As is generally accepted by scholars, these "gardens" are referred to specifically as an objectionable, non-Yahwistic rite in Isa. 17.10. That reference may even be to this very rite, which has persisted in the practice of the peasantry of Palestine in the celebration of the Festival of St. Barbara until this very day.

¹⁸⁵ Above, p. 45.

¹⁸⁶ This same conclusion was reached by Dalman, *op. cit.*, 273 f.

of which is found in other parts of the world, regularly practiced in close proximity to the solstices or equinoxes and directed to the end, all-important in the life of an agricultural people, of furthering, and even guaranteeing, the rebirth or revivification of the declining sun. (3) It was a New Year's Day festival.

Furthermore since this festival seems to be observed chiefly in Syria, while its celebration in Palestine seems to be more or less incidental, it may well be presumed that even in relatively early times it was mainly in Syria that it was celebrated as a festival of major importance, probably even as the Syrian New Year's Day.

But recognizing this, it is impossible not to identify the Festival of St. Barbara, or rather its Syrian original, with the festival which the Syrian conquerors of Jerusalem of 167 B. C. observed at the same season of the year, viz. on IX/25, the festival upon which they rededicated the Temple at Jerusalem to the worship of their supreme deity, Baal Shamem.¹⁸⁷ As we have

¹⁸⁷ For the obvious paranomasia between the title, שָׁמֶם שָׁמַם or שָׁמֶם שָׁמַם of Dan. 9.27; 11.31; 12.11, and שָׁמַם בָּעַל, the name of the Syrian deity, cf. Montgomery, *Daniel* (*International Critical Commentary* series), 388 f. That the Syrian antecedent of the Festival of St. Barbara was celebrated in honor of Baal Shamem, the chief male deity of the Syrian pantheon, does not conflict at all with the fact which we have already established, that the antecedent of the figure of St. Barbara, as well as of that of Jephtha's daughter, was unquestionably, in considerable part at least, the ancient Semitic mother-goddess, particularly in her Northwest-Semitic form of Astarte, and that therefore the festival which was the forerunner of both the Festival of St. Barbara, and also of that of Jephtha's daughter, might be expected to have been celebrated in honor of the mother-goddess herself rather than of her male consort. There is here no incongruity whatever. The worship of either deity, father-god or mother-goddess, particularly in their functional capacity, and with attendant fertility rites of one kind or another, is inconceivable except in association not only with the worship of the companion deity, but also, to a greater or less degree, with that of the divine child, destined to spring from the marital union of the parent deities. Actually every major festival of the ancient agricultural Semitic peoples was celebrated basically in honor of the divine trinity rather than of one single deity. In local forms of these various festivals the worship of this or that member of the trinity may have been paramount, and the role of the other members in the festival celebration in consequence of secondary character. It can well be therefore that in the ancient Gileadite festival of Jephtha's daughter, and also in the

seen,¹⁸⁸ this festival upon which the Temple at Jerusalem was rededicated to the worship of Baal Shamem was in all likelihood a New Year's Day festival in the cult of that deity, and therefore in the practice of the Syrian religion in the days of Antiochus Epiphanes.¹⁸⁹

But from here it is possible to advance one significant step further in the development of this study. Granting that the present-day Festival of St. Barbara is the survival of an ancient Syrian New Year's Day festival, celebrated upon IX/25, it is impossible not to link it closely with the Jewish Chanukkah Festival, which, as we have seen,¹⁹⁰ was purposely instituted upon the very same day in 164 B. C. upon which the Temple at

immediate forerunner of the contemporary Festival of St. Barbara, the mother-goddess may have played the leading role, while in the form of the festival observed in the much later Seleucid era, and particularly as observed formally under royal supervision, the father-god, Baal Shamem, may have been the dominant figure. This condition would, of course, have had practically no effect upon the rites of the folk-celebration of the festival in any locality, for folk-ceremonies are far more persistent and unchangeable than are theological concepts.

¹⁸⁸ Above, p. 89.

¹⁸⁹ Actually in the official Seleucid calendar the year was reckoned from the fall, (Ginzler, *Handbuch der mathematischen und technischen Chronologie*, III, 41 f.). But this official Seleucid calendar had suppressed various local Syrian calendars (*op. cit.*, 18, 42), whose New Year Days may well have fallen at different moments in the year. We may easily assume that the Syrian festival on IX/25, which was the antecedent of the Chanukkah Festival, may have been a New Year's Day festival in some local Syrian calendar or calendars, and that the festival manifested certain New Year characteristics even under the official Seleucid calendar. This assumption would account for the specifically New Year's Day procedure of the Syrians in dedicating the Temple at Jerusalem to the worship of Baal Shamem. Comparable to this would be the Jewish theory of four new year's days in each year (R.H., I, 1). At the root of this belief in all likelihood is the fact that in ancient Israel at different times, and probably also in different localities, as we shall see in due time, each of these four moments in the year was observed as the New Year's Day. Certainly this was true of I/1 as well as of VII/1 (cf. "The New Year of Kings"), and may well have been true also of VI/1 and XI/1 (cf. "Two Ancient Israelite Agricultural Festivals"). According to Mehren, *Manuel de la Cosmographie du Moyen Age*, 404, the Syrian year begins in Kanoun II, i. e. in January.

¹⁹⁰ Above, p. 2.

Jerusalem had been defiled by the Syrians three years previously. And this, in turn, makes it impossible not to correlate the lights of the Chanukkah Festival, the most characteristic ceremony of this festival, one of folk-observance, practiced in the homes, with the candles of the Festival of St. Barbara.

This implies, in turn, that the kindling of the lights of the Chanukkah Festival must have been borrowed directly from a similar or closely related rite, the kindling of candles or other lights of a like character, in the celebration of the Syrian festival. It matters not at all that absolutely no reference to such a ceremony is made in either 1 or 2 Macc., since their attention is given more to the official celebration of the festival than to its folk-rites. This folk-ceremony, too, must have been taken over by the Jews from its Syrian antecedents, if it had not already been a part of the folk-celebration of the earlier Israelite-Jewish festival which, we have established,¹⁹¹ began upon what had been under the older calendar IX/24, but which, under the calendar in vogue among the Jewish people in Maccabean times, had become IX/25, and which apparently continued for seven days. In either case the kindling of these candles or similar lights must have been the outstanding rite of the popular celebration of the festival in the homes. It was this ceremony which very early gave to the Jewish festival the name by which it was known already to Josephus, and which must have been current in popular Jewish usage long before his time, τὰ φῶτα, "the lights."¹⁹² But if the lights of the Syrian festival, like the candles of the Festival of St. Barbara, symbolized the sun, then this symbolism must have persisted, and this perhaps even quite consciously, still in the Seleucid era; and, correspondingly, the lights of the Chanukkah Festival, borrowed from the antecedent Syrian festival, if not actually the continuation of a folk-rite of the earlier Israelite-Jewish festival, celebrated at practically the same time, must have had, in origin at least, the same solar import, even though this was apparently comprehended but dimly, if at all, by the Jewish borrowers and adapters of the rite.

¹⁹¹ Above, pp. 34-40.

¹⁹² It is not at all impossible that this may even have been the popular name of the Syrian festival out of which the Chanukkah Festival evolved.

It should be apparent, too, by this time that the Festival of St. Barbara, as observed today, must be a direct outgrowth in Christian circles of that same ancient Syrian festival celebrated in honor of the supreme divine triad, the father-god, Baal Shammem, the mother-goddess, and the divine, only-begotten child, who, in the earliest form of the festival cult-legend, was thought to offer himself or herself voluntarily to, or else to be sacrificed by, the divine father. Prominent among the rites of this ancient festival must have been the kindling of fires as a homoeopathic magical ceremony, designed to promote, if not actually cause, the enlargement, and even the rebirth, of the waning, and seemingly even dying, sun. The festival must, of course, have been observed from early times in close proximity to the winter solstice, and therefore have had very much of the character of a solstitial sacred occasion. The candles of the Festival of St. Barbara, as well as the lights of the Chanukkah Festival, must therefore be modified forms of the homoeopathic fires of the ancient Syrian festival. That, at least in certain epochs of Syrian history, this festival was thought to mark the end of the old and the beginning of the new year, in other words to be a New Year's Day festival, is not at all surprising in view of the importance of the festival itself and the significance of the role of the revived sun in the agricultural life of the Syrian peasantry.

So much then for the Festival of St. Barbara. However, before terminating this section of this study, it may be well to take note of a number of other folk-rites current today in Syria and Palestine which are celebrated in close proximity to the winter solstice and in which the kindling of fires plays a conspicuous role.

Two customs, of more than passing interest in this connection, are recorded by Bliss.¹⁹³ "There is a quaint, ancient Christmas practice still obtaining in some of the Syrian churches of the interior Catholic as well as Jacobite"¹⁹⁴ to com-

¹⁹³ *The Religions of Modern Syria and Palestine*, 157 f.

¹⁹⁴ The facts that this festival is observed only in the Syrian churches of the interior, *i. e.* in the rural, mountainous, agricultural sections of the land, in general off the main avenues of commerce and culture, and that it is observed by Catholics and Jacobites alike, *i. e.* by practically the entire peasantry,

memorate the vigil of the shepherds in the bitter cold of the fields of Bethlehem. On the stone pavement of the nave is heaped a pile of wood; around this stand children dressed in white, holding torches made of brushwood, with which they kindle the bonfire. As this blazes up, the priest reads the early Christmas service."

Again,¹⁹⁵ "On the eve of this feast¹⁹⁶ at the harbor or Mina of Tripoli¹⁹⁷ the Greeks light bonfires in their courtyards, and at midnight go down to the shore, the sick with the well, there to seek the blessing of a bath in the sea." The antecedents of these two festal rites are obscure and their true import can be determined only with difficulty, if at all. But inasmuch as, as we shall see, the relationship of Epiphany to Christmas has its roots in very ancient North Semitic religious and calendar practice, it is impossible not to associate these bonfires of Christmas and also those of Epiphany, both ceremonies having a Syrian locale, with the fires of the ancient Syrian New Year festival, which was celebrated in close proximity to the winter solstice.

This, too, leads us one step further. We see that in this present-day Syrian setting the birth of the Christian savior-deity and its attendant circumstances are commemorated, in part at least, by fires decidedly reminiscent of, if not an actual development from, the fires or lights of the ancient Syrian New Year festival, which, among other elements, celebrated the voluntary death and the rebirth or resurrection of the solar deity, the supreme figure of the Syrian pantheon. He, or she, was offered as a sacrifice to his, or her, divine father, as we have learned. The resurrection of this solar deity ensured the well-being and prosperity of the nation or people, on whose behalf this savior-

establishes with reasonable certainty that it is essentially a ceremony of folk-, rather than of specifically Christian, character, and that it must be therefore the persistent survival of an ancient, pre-Christian, Syrian folk-ceremony, whose true origin was bound up with some deep-rooted, and therefore primary, Syrian religious institution and practice.

¹⁹⁵ *Op. cit.*, 158.

¹⁹⁶ *I. e.* of the Baptism of Christ, Jan 3rd (or 6th; cf. *op. cit.*, 342). This festival corresponds, of course, to Epiphany or Twelfth Night of the Western Church.

¹⁹⁷ In Syria.

deity had died, for the new year, or the new era, just about to begin.

It can scarcely be gainsaid that the Christian tradition has a marked affinity with this ancient Syrian religious tradition and cult-practice. Jesus, too, is represented in the Gospels and in later Christian writings as a voluntary, even though a suffering, sacrifice. He, too, dies in the role of the only-begotten son of God, *υἱὸς τοῦ ὑψίστου*, "Son of the Most High," as Luke calls him, a designation which certainly suggests mythological affinity with Kronos, the divine son of Ouranos, the heaven-god, the Syrian Baal Shamem. And inasmuch as Jesus' death is conceived as having sacrificial character, it follows that as a sacrifice, he, too, like Kronos, was offered unto God, his Father. His death redeems mankind from human sin and its consequences and, in principle, ushers in a new era in human existence, a new and better era, in which, with mankind purged of its inclination to evil, the kingdom of God on earth will be inaugurated. Here every essential element of the ancient Syrian cult-legend and festal practice is distinctly present.

Moreover, the birth-festival of the Christian savior-deity is celebrated on December 25, i. e., with reasonable certainty, IX/25 of the old Syrian calendar, the day of the winter solstice in the calendar of that period. The New Year's Day of the current calendar falls on the eighth day thereafter, on what should have been, under the practice of normative Judaism, the day of Jesus' circumcision,¹⁹⁸ but which would also conform to the eighth or concluding day of the Chanukkah Festival. Furthermore, in Matthew and Luke and even more in Christian post-biblical apocryphal literature we may discern a steadily expanding impulse to attribute divinity to the mother of Jesus also and to endow her more and more with the essential qualities of the ancient Semitic mother-goddess.¹⁹⁹ And among these

¹⁹⁸ Cf. Lev. 12.3; cf. Luke 2.21.

¹⁹⁹ Thus, in the Gospel of Mary, the birth of Mary is represented as miraculous. It, too, like the births of Isaac, John and Jesus, and of Samson also, is preceded by angelic annunciation, and that, too, just at the time of the Chanukkah Festival (1.7). Furthermore, the birth of Mary parallels in almost every other essential respect, that of Isaac. In both cases both parents are

qualities not the least significant is that which would represent her as a virgin, i. e. as the virgin-goddess, who gives birth to the savior-god, destined to die and to be reborn for the life and the well-being of mankind. With this cumulation of significant evidence it seems impossible to escape the conclusion that the Christian tradition must have absorbed many elements of the ancient Semitic tradition, cult-legend and festal practice of the dying and reborn solar deity, particularly as these were perpetuated and transmitted in the Syrian religion of the Seleucid and Roman eras, and as these have survived in some of their most interesting and illuminating details in Syrian Christian religious practice down to the present day.

The very fact, that all those elements of the ancient Semitic cult-legend and festal practice which center around the winter solstice seem to be at home in Syria rather than in Palestine, suggests that these elements must have entered into the Chris-

very old and had long given up all hope of having a child. Mary, too, was therefore an only-begotten child of her parents. A very significant parallel of Mary with Isaac may be seen in the absolutely unmotivated and otherwise totally unessential incident of Mary's laughing (Protevangelion, 12.8; cf. above, note 167). According to the Gospel of Mary, 2.12, Mary was destined from birth to be the virgin-mother of the savior god. The dove, the sacred bird of the Semitic mother-goddess was closely associated with her (Gospel of Mary, 6.5; Protevangelion, 8.2, 11). The incident of Mary and the other virgins in the Temple spinning the thread for the new veil of the Ark parallels closely the implication of the reference in 2 Ki. 23.7 to the women in the Temple, corresponding to the *ḫadišāti*, the sacred harlots of the Babylonian Ishtar cult, or, perhaps even more, to the Babylonian virgins of Herodotus' well-known account (I, 199; cf. The Epistle of Jeremy, 43), who gathered at the entrance of the temple of Ishtar, preliminary to marriage, each seeking initial sexual union with some stranger (cf. Ex. 38.8; 1 Sam. 2.22, where the same peculiar institution seems to be alluded to), weaving "houses" for the Asherah, the sacred cult-object of the Semitic mother-goddess. The trial of Mary (Protevangelion, 11.8 ff.) parallels that of St. Barbara. The quite unmotivated motif of Anna, the mother of Mary, praying under the laurel tree (Protevangelion, 2.9 f.) is somewhat reminiscent of Leto's birth of Apollo under the laurel tree. Above all, the twice repeated motif of the divine child who, at the appointed time, presses irresistibly to emerge from his mother's womb, and whose unaided birth, from a virgin-mother, is attended by an all-illuminating radiance (Protevangelion, 12.10, 12; 14.9-13) suggests plainly the birth of the solar deity by his virgin-mother-goddess.

tian tradition from Syrian or other neighboring regional or group sources rather than from Palestine and from a Jewish source. For against the basic elements of this tradition and cult-practice, as we shall see conclusively in the course of this study, not only Judaism itself, from the very moment of its origin in the sixth century B. C. as a universal religion quite distinct from the antecedent national religion of Israel, but also, as we shall see, its prophetic forerunners and heralds had been contending uncompromisingly since the establishment of the Temple at Jerusalem by Solomon in the tenth century B. C. By the third century B. C., and probably even a century earlier, these elements had been almost completely eradicated from formal Jewish religious practice, so that, at the most, only a few, such as the fire-rites of the שמחת בית השואבה at the Sukkot Festival, persisted in the form of innocent, sporadic Jewish folk-customs and rites. And even these were looked upon more or less askance by normative Judaism, which, as rabbinic literature amply attests, always considered one of its responsible tasks to be to guard Judaism against and to root out of its practice all beliefs, ceremonies and institutions the non-Jewish, heathen origin and implications of which were even suspected. Certainly these elements of the ancient Semitic solar myth and religious, festal practice could have been countenanced in no way by normative Judaism. Quite probably, at the very best, they had only a limited role in Galilean Jewish religious practice. Even the early Jewish-Christians, whose seat was in Jerusalem, could hardly have approved of and accepted these elements of the later Christian tradition. This must have been one of the major matters of difference between the Jewish and the Gentile Christians. And this entire tradition with all that was associated with it must have entered into Christianity under the influence of the various mystery-salvation cults, fundamental motifs of which had grown out of the ancient Semitic solar myth and attendant religious practice, particularly in Syria and neighboring regions and lands.

In this connection an observation of Dalman²⁰⁰ acquires

²⁰⁰ *Op. cit.*, this is based upon a statement in Muller, *Die Chronologie des Simeon Šanḫlājāwā*, 45 f.

particular significance: "Solstice and Christmas are brought into meaningful association when in the region of Syria attention is directed to the fact that the proper moment for the birth of him who was destined to illumine the world should be December 25, because on that day the dominion of darkness advances to that extreme point that the day continues for only nine hours."

This correlation of the Christmas Festival with the winter solstice, current in Syrian Christian thought, leads naturally to the consideration of another ancient Semitic festival, celebrated around the beginning of the Common Era at both Petra and Elusa on December 25, at the time of the winter solstice. This festival was observed by the Nabataeans in honor of their major deity, Dusares, and his divine mother, the virgin-goddess, Kaabou. According to Epiphanius, *Panarion*²⁰¹ it was celebrated in honor of the two associated deities with ceremonies which endured all through the night, and which were accompanied by singing and the carrying of torches. Baethgen²⁰² has established conclusively that Dusares was primarily a solar deity;²⁰³ therefore his festival at the moment of the winter solstice, and therefore, too, the torch-bearing rite. Moreover, when Strabo²⁰⁴ says of the Nabataeans: "They worship the sun, and construct the altar on the top of the house, pouring out libations and burning frankincense upon it every day,"²⁰⁵ he certainly has in mind the worship of Dusares. But in addition to being distinctly a solar deity, Dusares was also a god of vegetation, and as such was,

²⁰¹ § 1, Ed. Dindorf, III, 483; cf. Baethgen, *Beiträge zur semitischen Religionsgeschichte*, 93.

²⁰² *Ibid.*, 95 f.

²⁰³ In this he follows Krehl, *Die Religion der Araber*, 49 f. and Mordtmann, "Dusares bei Epiphanius," *ZDMG*, 29 (1876), 102, 106; cf. also Wellhausen, *Reste arabischen Heidentums*², 48; Ed. Meyer, *Die Israeliten und Ihre Nachbarstämme*, 276 ff.

²⁰⁴ § 784.

²⁰⁵ Translation of Hamilton and Falconer, III, 215; so also Baethgen, *op. cit.*, 96. Note also in this connection the implication of the orientation of the Nabataean temple at Khirbet-et Tannûr towards the sunrise; Glueck, "The Early History of a Nabataean Temple," *BASOR*, #69 (February, 1938), 12.

under the influence of Hellenistic religious syncretism, identified with Dionysos,²⁰⁶ with the result that in his cult vegetation or fertility rites had a distinct place, a development not at all unnatural or uncommon in the cult of a primarily solar deity. Of this more at the proper place.

Certainly the worship of Dusares and his virgin-goddess mother by a festival at the moment of the winter solstice, and consequently in the role of a solar-fertility deity, could not have been native with the Nabataeans. But equally certainly, despite its time-coincidence with Christmas, the Nabataean festival could not have been borrowed from Christianity. The Nabataeans were originally Arab nomads who during the fourth century B. C., if not even somewhat earlier,²⁰⁷ emerged from the Arabian Desert and established themselves firmly in ancient Edom and adjacent regions and gradually adjusted themselves to agricultural life and its attendant religious institutions. Dusares and probably Kaabou as well were, in all likelihood, their earlier, desert deities, conceived after the typical manner and performing for their people all the normal functions of ordinary, desert, pastoral deities. After the transition of the Nabataeans to agricultural life in their new country of settlement, they must, through a natural process of religious syncretism, have transformed these native deities of theirs into characteristic Semitic agricultural deities, in precisely the same manner as a thousand years earlier the northern Israelites in Palestine had transformed their native, desert deity, Yahweh, into a typical Semitic agricultural god.

The economic and cultural contacts of Edom and all the other lands and regions lying along the "King's Highway" leading from Akaba to Damascus were always with Syria.²⁰⁸ Undoubtedly therefore it was from Syrian Hellenistic religion that the Nabateans borrowed most and the most fundamental elements which transformed their earlier, simple, nomadic religion into a more complex agricultural religion and their major deity

²⁰⁶ Cf. Baethgen, *op. cit.*, 95 f.

²⁰⁷ Cf. Meyer, *op. cit.*, 267.

²⁰⁸ Cf. "Amos Studies, III," 189 f.; 210-214.

into a characteristic Semitic solar-fertility god. In many respects the religion of the later Nabataeans may well be regarded as a true expression of Syrian Hellenistic religion. It is logical therefore to coordinate the festival of Dusares on December 25, at the moment of the winter solstice, with the corresponding Syrian festival celebrated at the same moment and to link the torches carried in the night celebration of the Dusares festival with the fire rites of the Syrian festival, the lamps or candles of Chanukkah and the candles of the Festival of St. Barbara. And, inasmuch as this festival seems to have been the principal annual festival in the cult of Dusares, at least so far as our present knowledge of Nabataean religion indicates, we may be justified in going one step farther and assuming that it marked the beginning of the new year, the Nabataean New Year's Day festival, precisely as was its Syrian counterpart and seeming model.

From the Nabataeans we turn to Phoenicia, where, in the cult of the Tyrian god, Melkarth, a festival with fire rites was likewise observed on December 25. Of this Dussaud says:²⁰⁹ "The only detail of the cult of Melkarth which has been preserved, and which certainly goes back to high antiquity, definitely establishes his solar character. Towards the end of autumn a great fire was kindled at Tyre and on December 25 the resurrection of the god was celebrated with much ceremony. Writers explain that the aged god had gained renewed life; this explanation is extremely precise. This ceremony . . . represents an application of the principles of sympathetic magic; it was believed that the kindling of the pyre brought about the resurrection of the solar deity, Melkarth, on December 25."

Here once again we find the characteristic cult-pattern; a solar deity of major rank dying and undergoing resurrection at the time of the winter solstice and with his festival celebrated on December 25, and with fire-ceremonies playing a fundamental role in the festal celebration, and even thought, through their homoeopathic magical effect, to actually bring about the resur-

²⁰⁹ "Le Pantheon Phénicien," *Revue de l'École d'Anthropologie*, 1904, 107; also *Mythologie*, 146 f.; also Frazer, *The Golden Bough*³; *Adonis, Attis and Osiris*², 84 ff.

rection of the god; and this, too, at Tyre in Phoenicia, i. e. well within the sphere of influence and observance of the Syrian Hellenistic religion.

In a passage already cited²¹⁰ Dalman has properly coordinated this Tyrian festival of the resurrection of Melkarth on December 25 with the Roman Saturnalia. This latter festival was widely observed in Palestine and adjacent lands. The numerous references to it in Talmudic literature²¹¹ establish clearly that it was regarded by the Jewish authorities as a typically heathen festival in which Jews were forbidden to participate. It was observed, according to some evidence, on December 17; i. e. upon the very day upon which the festival at Durostorum reached its climax, the resurrection or revivification of Kronos was thought to take place, and the Syrian New Year's Day was celebrated. But according to Macrobius²¹² the Saturnalia were celebrated at the winter solstice, and among the various festal ceremonies men carried burning wax candles as symbols of the renewed sun, and also doll-like images as symbols of the reborn deity. It is impossible not to draw the conclusion that in large measure these particular ceremonies of the Saturnalia were of Semitic origin. And this brings us back to one of our starting-points, the burning candles of the Festival of St. Barbara and the lamps or candles of the Chanukkah Festival. We have already concluded that these

²¹⁰ Above, p. 95.

²¹¹ Cf. the passages cited under סטרוניא in Levy, *Neuhebräisches und chaldäisches Wörterbuch* and Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi and the Midrashic Literature*.

²¹² *Saturnalia*, I, 7, 33. According to the Talmud (Jer. Ab. Zar., 39c) Rab declared that the Kalends were celebrated eight days before the winter solstice and the Saturnalia eight days after the solstice. Apparently there is here a confusion of the two festivals, for actually it was the Saturnalia which began eight days before the solstice, and the Kalends of January (as another rabbinic tradition, cited in the same passage, calls it) which fell on the eighth day after the solstice. But again this points to a calendar reckoning of the winter solstice on December 25, with the Saturnalia therefore beginning on December 18 and the Kalends falling on Jan. 1. In this connection the statement of Kazwīnī, cited by Dalman (*op. cit.* 275), that in Syria great fires were kindled during the night of the Kalends by the Christians acquires particular significance for our study.

lighted candles symbolized the sun. Here in the candles of the Saturnalia we may find not only confirmation of this conclusion, but also further evidence of the basic connection of the Festival of St. Barbara, the festival of Jephtha's daughter, the festival at Durostorum, the old Syrian New Year's Day festival, and the other Semitic festivals which we have considered, and especially the Chanukkah festival, with the winter solstice.

All this evidence, unchallengeable in fact and cumulative in character, compels the absolute rejection of the conclusion reached by Nilsson²¹³ that there is no direct evidence whatever that the ancient Semites ever celebrated a winter solstice festival, and that the Chanukkah Festival in particular exhibits no traces of any kind thereof.²¹⁴

Far more understanding and authoritative is Dalman's interpretation of the Chanukkah Festival. After discussing with much elaboration of detail the Festival of St. Barbara, Christmas, the Tyrian festival, the Kalends and other festivals in which the use of candles, the kindling of bonfires or other parallel fire-ceremonies played an integral role in Syria and Palestine, and establishing their original character as winter solstitial festivals, he continues:²¹⁵ "Only among the Jews of Palestine are there no longer evidences of consideration of the solstice of December 25. The name, 'Lights' (φῶτα), is still applied to the Festival of the Temple Dedication with its rows of lights, increasing daily from one to eight, exhibited in their windows or doorways. These lights must project their radiance outwards; therefore they serve no practical purpose; but all the more because of this they serve to illuminate the Jewish quarter of the city. They are the present-day record of the miracle which at the rededication of the Temple by Judah Maccabee made a small amount of the sacred oil suffice through eight days for the illumination of the sanctuary . . . The older records of the rededication of the sanctuary (1 Macc,

²¹³ "Sonnenkalender und Sonnenreligion," *ARW*, 30 (1933), 141-173.

²¹⁴ This thesis, first advanced by Riehm, has been accepted unreservedly and used as a basic argument by Rankin, in his scholarly, wide-ranging, exceedingly valuable, but in its conclusions by no means convincing, study, *The Origins of the Festival of Hanukkah*.

²¹⁵ *Op. cit.*, 276 f.

4.52 ff., 2 Macc. 10.5 ff.) make no mention whatever of the use of lights in the celebration of the ensuing memorial festival. But it is very probable that one of the ceremonies attendant upon the winter solstice was applied to the festival of the Temple dedication and was thereby divested of its original character. This assumption will explain in particular the gradual increase in the number of the lights during the course of the festival; it was to further the gradual increase of the light of the sun and to drive away the demons of darkness. This custom must have been an integral part of the festival of Baal Shamem, which had been introduced by the Syrians into the Temple on Kislev 25 three years earlier, and which seems to have been transported later, as the festival of the solar deity, from Palmyra to Rome. The new Festival of Rededication of the Temple was intended to replace this Syrian festival. Only later was a particular significance accorded to the ceremony of the kindling of the lights . . . According to 2 Macc. 10.6 f. the Festival of Booths was the pattern of the new festival, because at both festivals the thyrsus, beautiful foliage and palms were carried. If this was an ancient festal practice, it suggests for the festival of the winter solstice some connection with the revival of vegetation.

"The import of the day chosen for the Chanukkah Festival is made clearer by the fact that Haggai, three months after the beginning of the work on the reconstruction of the Temple on VI/24, i. e. on IX/24, i. e. Kislev, arose in order to announce that from this day on a change in God's attitude would set in (Hag. 2.10, 18). That during that particular summer there had been a dearth of grain and fruit (v. 19) was the consequence of the people's dilatoriness in building the Temple. But since this change was scheduled to set in from December 24 on, that is comprehensible on the assumption that on the 25th a new solar year would begin and with this a new year of growth for the grain which had been sown and for the fruit trees."

It is apparent from this that Dalman has anticipated much of the evidence bearing upon the antecedents of the Chanukkah Festival which this study has brought to light and coordinated and also something of the general conclusion with regard to the original nature of the Chanukkah Festival, or rather of the

Syrian New Year's Day Festival of which Chanukkah was the outgrowth, which this study is tending to establish.

So much then for the ancient Semitic festivals centering about the winter solstice, their fire-rites and their import for the Chanukkah Festival.

VI

RECAPITULATION AND INTEGRATION

Before advancing to the next stage of this study, it will be well to recapitulate and integrate the information bearing, directly or indirectly, upon the Chanukkah Festival, its antecedents, history and import, which we have gathered thus far.

We have found that in the late pre-exilic period, the time of Jeremiah, and in the early post-exilic period, extending to at least the time of Ezra, a day of sanctity and solemnity was celebrated in Judaea on IX/24. On this day the people gathered in apparently large numbers from all sections of the province at the Temple, or, in the period preceding the dedication of the second Temple in 516 B. C., at the Temple site, and there observed ceremonies of mourning, fasting and self-affliction. Apparently, too, although this is not absolutely clear from the scanty evidence at hand, sacrifices were offered upon this occasion.²¹⁶ This festival was celebrated during, and, so it appears, at or near the beginning of, the rainy season, the period of heavy, winter rains. Seemingly it was the first day of a seven days festival period, which continued until X/1. Seemingly, too, during this seven days festival period no work of any kind, not even so momentous and pressing a task as recording the names of those members of the Jewish community who had married non-Jewish wives, might be performed. Obviously it was a festival of considerable significance.

²¹⁶ This is to be inferred both from the fact that the festival was observed at the site of the Temple, and therefore in close proximity to the altar, which had been erected there already in 538 B. C. (Ezra 3.2), eighteen years before Haggai's time, and also from the symbolism of the sacrificial procedure and of the ritual authority of the priests, which Haggai employs to point the lesson of the first of his two addresses upon this sacred day (Hag. 2.10-19).

Moreover, under the time-reckoning of Calendar II, IX/24, or rather the second, the night, half of this day, was the same as the first half of IX/25 under the reckoning of Calendar III. But IX/25 was not only the day which marked the beginning of the Chanukkah Festival, but was also the climactic day of the Syrian festival, which was the immediate historical antecedent of the Chanukkah Festival. And there is cogent evidence that this great day of the festival was the day of the winter solstice and also the New Year's Day in the Syrian calendar, the day therefore upon which, in accordance with general Semitic religious practice, Syrian temples were regularly dedicated.

As has just been said, this Jewish Festival of Chanukkah, or Dedication, or Rededication, of the Temple, grew directly out of the Syrian New Year's Day, the Syrian Festival of Dedication. Although we have found nowhere any explicit statement thereof, there is not a little indirect evidence that this Syrian New Year's Day in the Seleucid era was the last and the climactic day of a period of festal celebration extending over at least eight days, or perhaps even over a period of ten or eleven days.²¹⁷ The latter assumption finds some measure of confirmation in the consideration that, according to Ezra 10.9, the initial assembly of the Jewish community at Ezra's bidding took place on IX/20; but the Jewish festival which occurred at about the same time as, and apparently corresponded in some measure to, the Syrian festival, seems to have continued until X/1; but assuming that,

²¹⁷ If the latter, then the otherwise inexplicable statement of 1 Macc. 1.54-59, that the Syrian festival began upon IX/15 and reached its climax in the setting up of the image of Baal Shamem, the שֶׁמֶם שָׁמַם of Dan. 11.31, in the Temple at Jerusalem on IX/25, the Syrian New Year's Day, would be clearly and adequately accounted for. This would mean, in turn, that the Syrian New Year festival in the Seleucid period, though celebrated at or in close proximity to the winter solstice, extended over eleven days, precisely the same duration as the New Year's festival of the Babylonian ritual (cf. Zimmern, *Das babylonische Neujahrsfest*; *Der Alte Orient*, 25 [1926], 3). Although this latter festival was celebrated at or very close to the spring equinox, the eleven days duration of both festivals, a similarity which can scarcely be accidental, establishes not only the intimate relationship of the two festivals, but also strengthens our hypothesis that the Syrian New Year's festival may well have extended, in its fullest form, over a period of eleven days.

as seems to have been the case, in the calendar in vogue in Judaea in Ezra's day the ninth month consisted of thirty days, it follows that from IX/20 through IX/30 was an eleven days period of sanctity and religious observance. However, within this eleven days sacred period it was the last seven days, extending from IX/24 through IX/30, which were of major sanctity.²¹⁸ It may well be therefore that in the Syrian festival procedure of the eleven days extending from IX/15 through IX/25, it was the last eight days, IX/18–25, which constituted the festival proper, and that upon the final and, seemingly, the climactic day of the festival, the day of the winter solstice, the Syrian New Year's Day was celebrated,²¹⁹ the image of Baal Shamem was set up in the Temple at Jerusalem, and that great sanctuary was dedicated to the worship of the Syrian deity, or, perhaps more correctly, to the worship of the Syrian trinity, the divine father, mother and child.

This assumption, that the Syrian festival proper extended

²¹⁸ A somewhat similar procedure is recorded for Ezra's day in Neh. 8. According to v. 2, the people gather in Jerusalem at the Temple site on VII/1. The occasion is the celebration of the ancient Asif-New Year's Day Festival (cf. "The Three Calendars of Ancient Israel," 28–55; "Supplementary Studies in the Calendars of Ancient Israel," 53–69). The reading of the Torah to the assembled multitude commences on this very day, VII/1. It is therefore a day of no little sanctity. However, only on the second day of the reading, VII/2, is the Torah passage, Lev. 23.42 f., prescribing the dwelling in booths during the seven days of the Asif-Sukkot Festival proper, reached. The people begin immediately the preparations for the celebration of the festival in the prescribed manner. The festival proper begins only on the third day of the assembling of the people, VII/3, and continues for the seven days of the dwelling in booths plus the eighth day, the New Year's Day, *i. e.* through VII/10. Here then we have a ten days period of sanctity and festival observance, from VII/1 through VII/10, associated with the celebration of the New Year's Day, of which the first two days seem to have been devoted chiefly to procedures of preparation, while the last eight days constituted the actual festival period.

²¹⁹ Actually then the Syrian festival coincided precisely in the period of its celebration, IX/18–25, with the later Saturnalia, which, as we have learned, began on the eighth day before the winter solstice on IX/25, and concluded on this day, while the Jewish festival coincided with the eight days period which began with the winter solstice on IX/25, or December 25, and culminated in the Kalends of January on January 1.

over a period of at least eight days, and, as we have seen, the evidence supporting this assumption is considerable, would explain adequately the otherwise altogether inexplicable fact, of the duration of the Chanukkah festival over a similar eight days period. But it is clear at a glance that there is one fundamental difference between the dating of the Jewish festival and that of its Syrian antecedent. IX/25 marked the climax and conclusion of the latter festival, while it marked only the beginning of the Jewish festival, its first day. However, this divergence in the dating of the two festivals despite their unmistakably intimate historical association, is easily accounted for. Very appropriately the Temple at Jerusalem was rededicated by the Maccabees on IX/25, the very same day upon which, three years earlier, it had been dedicated by the Syrians to their supreme deity. But instead of making their Jewish festival the climactic and closing day of an eight days religious celebration, coinciding exactly in time with the Syrian festival, and perhaps even to distinguish their festival clearly from the Syrian festival, and so, to avoid the suggestion that they had borrowed the Syrian festival directly, or had even actually adapted a heathen, non-Yahwistic festival to their cult-practice, they made this day of Dedication of the Temple, of its dedication both by the Syrians and again by themselves, the *opening* day of an eight days festival, which extended, under the Jewish system of calendar reckoning current in their day, from Kislev 25 through Tebet 3. Thus they made their Dedication Festival, their Chanukkah, contrast markedly with its immediate antecedent, the Syrian Dedication Festival, in form as well as, as it contrasted to an extreme degree, in spirit. Also, in so dating their festival, they had older Jewish religious procedure to support them, viz. the seven days festival of the period of Ezra and earlier, which, as we have seen, began on IX/24, i. e. Kislev 25 of the later calendar reckoning, and continued to X/1.

The indisputable fact that the Jewish Festival of Dedication, Chanukkah, grew directly out of the Syrian New Year's Day-Dedication Festival will account in all likelihood not only for the duration of the Jewish festival over a period of eight days, but also, and with even greater certainty, for the role which fire rites,

and especially the kindling of lights played and play in its celebration. The basic connection of these fire rites with the celebration of Chanukkah is evidenced by the many variant forms of the tradition of the miraculous manner in which both the sacred flame upon the altar and also the perpetual lamp were kindled in the Maccabean temple,²²⁰ and by the lighting of lamps or candles in the homes during the eight days of the festival. We have seen that the latter custom had become the characteristic rite of the celebration of the festival already by the time of Josephus, in the first century A. D., and therefore had given to the festival its distinctive name in that period, *τὰ φῶτα*, "The Lights." The well known dispute between Beth Hillel and Beth Shammai,²²¹ as to whether the lights should be kindled in daily increasing number, one on the first night, two on the second, and so on to eight on the last night, or in daily decreasing number, eight on the first night to one on the last night, likewise attests to the high antiquity of the practice of kindling lights in the homes during the nights of the Chanukkah Festival and the great importance attached to this rite. We have accordingly inferred that this rite of kindling lights during the course of the Chanukkah Festival, like the very similar rite of the Festival of St. Barbara and also the parallel rites with torches of the Festival of Dusares and of the Saturnalia, all celebrated at almost the same season of the year as the Chanukkah Festival, developed in all likelihood out of a practically identical ceremony of the Syrian festival, out of which both the Jewish and the Christian festivals, and apparently also the Nabataean festival and likewise the Saturnalia in its Oriental form grew directly. We have likewise had cogent reason to attribute to this ceremony of kindling lights in the homes in the celebration of at least three of these festivals, as well as to the parallel fire rites, all celebrated in close proximity to the winter solstice, an origin as homoeopathic magical rites, designed to further the rebirth or revivification of the waning or dying sun.

²²⁰ 2 Macc. 1.18-2.12. These various legends and their far-reaching import I have discussed in detail in the already cited study, entitled "The Fire upon the Altar," which, I trust, will be published in a subsequent volume of *HUCA*.

²²¹ Sab., 21b.

We have found likewise that 2 Macc. 1.18 speaks of the Chanukkah Festival as "the Feast of Tabernacles," while 1.9 calls it even more specifically "the Feast of Tabernacles in the month Kislev." 2 Macc. 10.6 tells that the Chanukkah Festival was celebrated by Judah and his followers for eight days and after the manner of the Feast of Tabernacles, Sukkot, and with direct reminiscence thereof. Yet there is no mention whatever of dwelling in booths during the eight days duration of the Chanukkah Festival, as was the custom during the Sukkot; and indeed climatic conditions in Palestine at that particular season of the year would have made this practice well-nigh impossible.²²² Actually outside of the eight days duration of the festival the only elements which 2 Macc. 10.7 specifies as Chanukkah having in common with the Sukkot Festival were the carrying of the lulab or thyrsus and the reading or chanting of the Hallel psalms.²²³

Of these two ceremonies that of the lulab was an ancient Semitic fertility rite, undoubtedly of homoeopathic magical character, designed to secure an adequate water supply and favorable winds, and thus ensure abundant crops. The lulab was employed not only by the Jews in the celebration of the Sukkot Festival, but also by many other Semitic peoples in the observance of different agricultural festivals at various seasons of the year. And it was used even among the Jews in ancient times and actually until a fairly recent date in the celebration of festivals other than the Sukkot. The palm branches, actually the lulab, borne by those Jews who went out to greet Jesus upon his approach to Jerusalem on the Sunday before Easter,²²⁴ were carried by them upon this occasion not as a gesture or ceremony of greeting, but because the carrying of palm branches or the lulab was an ancient rite of this day, the first day of the early Israelite Matzot Festival as, manifestly, in defiance of the institutions and festival ritual of normative Judaism, it was still observed by certain groups or sects among the Jews of that day. It was a

²²² Cf. Ezra 10.9, 13.

²²³ Ps. 113-118.

²²⁴ Matt. 21.8; Mark 11.8.

ceremony of great antiquity in Israel, just as was the use of the lulab in the ceremonies of the Sukkot, or of its predecessor, the more ancient Asif Festival. In the pre-exilic period of Israel's history and still earlier the lulab must have played an essential role in the celebration of the Matzot Festival, before this was fused with the originally quite independent Passover Festival, just as it has continued to play such a role in the celebration of the Sukkot Festival down to the present day. It is not surprising therefore that the Sunday of Jesus' entry into Jerusalem should be known in the parlance of the Church as Palm Sunday, and that the use of palm branches, frequently, if not usually, bound together in a manner decidedly reminiscent of the lulab of the Jewish Sukkot ritual, should have persisted vigorously in the Christian observance of the day down to the present moment. It is not at all improbable that already among those Jewish groups or sects which employed the lulab or palm branches in the observance of this opening day of the Matzot Festival, which, in conformity with their ancient and hallowed tradition, always fell on a Sunday,^{224a} the day may have been known from of old, even long before the time of Jesus, as Palm Sunday, or at least by a name closely similar.

We have seen²²⁵ that Dalman reached a similar conclusion with regard to the role of the lulab in the original celebration of the Chanukkah Festival. We have learned also that the Nabataean deity, Dusares, whose festival was observed on December 25, at the winter solstice, i. e. at precisely the same time as the Syrian festival and its Jewish outgrowth, the Chanukkah Festival, was popularly equated with Dionysos, and so must have been regarded as a fertility, as well as a solar, deity. Accordingly the grape-vine played a distinct role in his symbolization. Whether the thyrsus, too, had any part in his cult, and particu-

^{224a} For the celebration of the first day of both the Matzot and the Asif Festivals, and also, in consequence, of the Shabuot Festival, the day of the bringing of the first sheaf, and likewise of the New Year's Day, the eighth day of the Asif Festival, upon Sunday by certain Jewish groups or sects, notably the Boethusians, the Samaritans, the Karaites, and the Falashas, cf. "Additional Notes on the Calendars of Ancient Israel," 87-93.

²²⁵ Above, p. 111.

larly in the celebration of his major annual festival, we do not know, but it is not at all improbable. But in such case the thyrsus could have entered into the ritual of this Dusares festival only through borrowing from the original Syrian festival in precisely the same manner as it entered into the earliest ritual of the Chanukkah Festival.

Certainly with this evidence before us of the general use of the lulab in the celebration of Semitic solar, agricultural festivals, and the evidence could be multiplied considerably were this necessary here,²²⁶ we need not hesitate to conclude that the lulab must have played some, and a by no means unimportant, role in the celebration of the Syrian New Year's Day Festival. And from this we may draw the further conclusion that its use by the Jews in the earliest form of the celebration of the Chanukkah Festival was due in no wise to imitation of or borrowing from the ceremonies of the Sukkot Festival, but was again the result of the adaptation to the celebration of the Chanukkah Festival of a rite of the antecedent Syrian New Year's Day festival.

Naturally we may not infer that the reading or chanting of the Hallel psalms was borrowed from the ritual of the Syrian festival. On the other hand, there is no necessity whatever for concluding that this particular ceremony at least must have been taken over directly and consciously from the established ritual of the Sukkot Festival. For the recital of Hallel is an integral part of the ritual of the major Jewish festivals, and this practice was undoubtedly firmly established already in Maccabean times. And since the central theme of these psalms, and particularly of that psalm which is climactic in this group, Ps. 118, is God's irresistible power in the universe, particularly as manifested in His oft-repeated deliverance of His people from cruel, vindictive and otherwise irresistible enemies, and Israel's exultant triumph over these enemies, and now, too, that Chanukkah^c had seemingly become, for the moment at least, as it was undoubtedly intended by its Maccabean inaugurators to be, a

²²⁶ I have dealt with this theme in considerable detail in a paper presented at the 1918 session of the American Oriental Society, as yet unpublished.

major festival in the calendar of the Synagogue, and since it, more than any other Jewish festival, with the possible exception of the Passover, commemorated God's miraculous deliverance of Israel from a seemingly invincible enemy, what more natural than that the recital of Hallel should have become from the very beginning of the festival, just as it has persisted to the present day, an integral part of the ritual observance of the Chanukkah in the Synagogue? Certainly there is no need whatever to assume that the recital of Hallel in the Chanukkah ritual was borrowed directly from the celebration of the Sukkot Festival.

On the other hand, in two other essential respects the Chanukkah Festival did have positive affinity with the Sukkot Festival, an affinity close enough perhaps to justify its designation as "the Festival of Tabernacles in the month Kislev."

We have seen that 1 Macc. 1.54 f. records that on the day upon which the Syrians set up the image of Baal Shamem, their supreme deity, in the Temple at Jerusalem and thus dedicated this sanctuary to his worship, the day which must therefore, in accordance with the traditional practice of Semitic religion, have been their New Year's Day, they burned incense and offered sacrifice in the streets and at the doors of the houses. The performance of these rites must have been attended, to some extent at least, depending no doubt upon whether the heavy rains had already set in, by the kindling of fires in the streets.²²⁷ These ceremonies in the streets in the celebration of the Syrian festival we have coordinated with the fires kindled in the streets of

²²⁷ Although, since this was just at the beginning of the rainy season, the kindling of these fires may not have been too general, and the lights of lamps or candles, set in the entrances to the houses, and thus protected from the weather, may well have replaced them. This conclusion, that the Chanukkah lamps developed out of the festal fires in the streets and at the entrances of the houses, finds strong confirmation in the prescriptions for these lights recorded in the Talmud (Sab. 21b), that they must be set at the entrances to all houses, on the left side of the entrance, and at a height not to exceed ten hand-breadths; in other words at precisely the same location where the original fires would have been placed. Only when a family dwelt in an upper story of a house, might it set its Chanukkah lights in a different position, and even then they had to be displayed at the window facing on the street, except in times of grave danger.

Jerusalem and the towns of Judah upon the New Year's Day at the end of the pre-exilic Asif Festival, the forerunner of the Sukkot Festival, and their attendant ceremonies, so scathingly denounced by Jeremiah as actually celebrated in the cult of the Queen of Heaven, the old Semitic Mother-goddess. These fires we have found persisting still today in the bonfires kindled by the Christians of Syria upon the Festival of the Cross and in the fires of the closely related 'Ašûra Day in North Africa. It is significant for our study that there is no evidence whatever that the kindling of such fires and their attendant ceremonies were practiced in the streets of the cities and towns of Judah in the celebration of the Jewish festival which, we have learned, was observed still in Ezra's day, and apparently with his full approval, from IX/24 to X/1. This festival the Jewish community of both the late pre-exilic and the early post-exilic periods seems to have celebrated, not in their native towns and in their homes, but gathered in Jerusalem and at the Temple site. Apparently these ceremonies in the streets and the attendant kindling of fires or lights at the entrances to the houses, from which the kindling of the Chanukkah lights at the entrances to Jewish homes may well have developed, and that, too, very speedily, were borrowed from or else developed directly out of the rites and practices of the Syrian Dedication Festival. But since this was the Syrian New Year's Day festival as well as the day of the winter solstice, just as the eighth, the last and the climactic, day of the Asif Festival was the Jewish New Year's Day and also the day of the fall equinox, it follows that in the kindling of these fires or lights we have a close and basic parallelism between the Jewish Feast of Tabernacles, or rather its antecedent, the Asif-New Year's Day Festival, and the Chanukkah Festival, or rather its antecedent, the Syrian New Year's Day-Festival of Dedication, which may well have justified the designation of the Chanukkah Festival as "the Feast of Tabernacles in the month Kislev."

In another respect, of utmost significance for our study, the Chanukkah Festival had very close affinity with the Jewish Asif-New Year's Day Festival, sufficient to justify again its designation by the peculiar title cited above. 2 Macc. 1.18-2.12

intimates that the prime reason for the observance by the Jews of this "Feast of Tabernacles" on Kislev 25 was the miraculous manner in which the sacred fire upon the altar of the rededicated Temple was kindled. Actually the account of this wondrous incident there given is vague indeed. There is nowhere any specific statement as to the manner in which this fire in the Maccabean sanctuary was actually kindled. There is merely the narrative that the sacred fire of the first Temple had, at the time of the destruction of this Temple by the Babylonians, been miraculously concealed by order of the prophet Jeremiah and that it had been equally miraculously recovered by Nehemiah, who is here, very significantly, represented as the builder of the second Temple. The implication seems to be that the fire upon the altar of the second Temple, was actually the unbroken continuation of the fire upon the altar of the first Temple, so that therefore in all truth, in accordance with the urgent command, twice repeated in Lev. 6.5-6, the fire upon the altar had never been extinguished, not even when the first Temple was destroyed. The narrative in 2 Macc. 2.10-12 then goes on to account for the sanctity of this altar fire in the Temple by referring to the flame which came forth from the presence of Yahweh at the dedication of the tabernacle in the wilderness,²²⁸ and again to the flame which descended from heaven at the dedication of Solomon's Temple.²²⁹ The clear implication is, even though it is not stated here, that it was popularly believed that the fire upon the altar of the Maccabean Temple must have been kindled in a comparable, miraculous manner, and that it, too, was the unbroken continuation of the old, sacred fire of the first Temple.²³⁰

²²⁸ Lev. 9. 24.

²²⁹ 2 Chron. 7.1. This narrative was obviously suppressed by P editors in 1 Ki. 8.10 f.; cf. "The Three Calendars of Ancient Israel," 46, note 44.

²³⁰ This entire matter I have dealt with in great detail and with much elaboration of evidence in the afore-cited, still unpublished study, "The Fire upon the Altar." Something of this tradition of the unbroken continuity of the sacred flame or light is implicit in the legend of the cruse of sacred oil, found by the Maccabees in the rededicated Temple, in itself sufficient normally to keep the perpetual light burning for only one day, but which continued to burn miraculously for eight days, until new sacred oil could be provided (Sab. 21a), and in the closely related legends recorded in Megillat

But the dedication of Solomon's Temple, as well as that of the tabernacle in the wilderness, according to the older tradition, took place upon the New Year's Day, the eighth and climactic day of the Asif Festival, also the day of the fall equinox.²³¹ Therefore the implication that the fire upon the altar of the Maccabean Temple was also of miraculous, divine origin, and that it, too, like the fire in the Temple of Nehemiah, was the actual continuation of the sacred fire of the first Temple, and even of that of the tabernacle in the wilderness, and that this fire in the Maccabean Temple had been kindled, not upon the last day of the Sukkot Festival, but rather upon the first day of the Chanukkah Festival, constitutes an additional and a very real basis of identification of the Chanukkah Festival with the Feast of Tabernacles and its designation by the specific name, "the Feast of Tabernacles in the month Kislev." It is apparent from all this evidence that the Jewish tradition and ceremonial practice, which developed in connection with, and very quickly after, the dedication of the Maccabean Temple in 164 B. C., appropriated and linked with this Dedication Festival, actually of Syrian origin, many of the traditions and ceremonies of the ancient Asif Festival, and particularly those of its last, climactic day, the true Jewish New Year's Day-Dedication Festival.

This process was, of course, greatly facilitated by the fact that the Syrian festival, the antecedent of the Chanukkah, played in the Syrian religion precisely the same role as did the Asif Festival in the religion of Israel. Each was, apparently, a festival

Ta'anit (*Anec. Oxon.*) IX and in *Pesikta Rabbati* (ed. Friedmann), II, 5a (cf. Rankin, *The Origins of the Festival of Hanukkah*, 77-80). These legends, of course, seek to account, not for the miraculous rekindling of the sacred flame upon the altar of the rededicated Temple, but rather for the rekindling of the נר חמיר, the perpetual light therein, and incidentally also for the lights of the Chanukkah Festival being eight in number and for the duration of the festival for eight days. None the less they do imply clearly that there was a direct and unbroken continuity of the flame of the perpetual light in the Maccabean Temple from that of its predecessors in the antecedent Temples, just as the parallel legends imply that there was a similar unbroken continuity in the sacred flame upon the altar of the successive Temples.

²³¹ Cf. "The Three Calendars of Ancient Israel," 36-43.

of eight days duration. The last, climactic day of each was celebrated in each religion as the New Year's Day and consequently as the day of the dedication of sanctuaries. In each religion therefore these were festivals of dedication. Moreover, in the oft-repeated Jewish tradition, the fire was represented as descending from heaven, from the very being or presence of the Deity, and kindling the sacred flame upon the altar upon the ancient Israelite New Year's Day-Dedication Festival. And the implication is clear that the same, or at least a closely related, tradition was current quite early with regard to the kindling of the sacred flame upon the altar of the Maccabean Temple on the day of its dedication, Kislev 25. The vagueness of the narrative in 2 Macc. 1-2 and its manifest inconclusiveness suggest that this particular element of the complete record of the dedication of the Maccabean Temple has been suppressed for some reason; and this reason could be only the customary one, viz. that some element of non-Jewish, pagan religion was thought to lurk here, which it was expedient not to record. This element could have been only the descent of the fire from heaven and the kindling of the flame upon the altar of the Maccabean Temple,^{231a} however not upon the Jewish New Year's Day, but instead upon Kislev 25. And it may very well have been that in the ritual of the Syrian New Year's Day festival the descent of the sacred fire from heaven or the coming of the sacred radiance from the east or something closely comparable to this was celebrated upon its New Year's Day on Kislev 25, just as it was celebrated in ancient Israel upon its New Year's Day upon IX/10.

But both VII/10 and Kislev 25 were significant days in the solar year. The former was in ancient Israel the day of the fall equinox; and the latter was, as we have seen, the day of the winter solstice. We have accordingly concluded that these fire and light rites upon the two festivals of the respective religions, one at the fall equinox and the other at the winter solstice, both

^{231a} It is significant that this very same motif of the descent of the fire from heaven, although still present in the account of the dedication of Solomon's Temple in 2 Chron. 7.1, has been completely suppressed by late Priestly editors from the account in 1 Ki. 8.1-11; cf. "The Three Calendars of Ancient Israel," 44, note 46.

most critical moments in the life of the sun, viewed as a divine being, were of homoeopathic magical character, designed to ensure the rebirth of the waning or dying sun, and thus to guarantee to mankind, or at least to the peoples or nations participating in these rites, sufficiency and survival, life and salvation, during the new year just beginning.

It is clear from all this evidence that, as well as the Chanukkah festival, so also the Syrian festival itself was closely similar in many fundamental respects to the Israelite Asif Festival.

Like the latter, the Syrian festival seems to have been celebrated over a period of eight days. The eighth and final day of each festival, the climax of the entire festal celebration, was by the peoples of each of the two countries celebrated as the New Year's Day.

And just as in the ancient Israelite calendar this eighth and final day of the festival fell upon the day of the fall equinox, so correspondingly in the Syrian calendar the eighth and final day of the Syrian festival fell upon the day of the winter solstice, December 25. Accordingly in this Syrian calendar the New Year's Day was celebrated upon the day of the winter solstice, just as in the ancient Israelite calendar it was celebrated upon the day of the fall equinox.

Accordingly, too, just as in the ancient Israelite fall equinox, New Year's Day rite, so also in the Syrian winter solstice, New Year's Day rite fires of a seemingly homoeopathic magical character, designed to ensure the rebirth or revival of the waning and dying sun, were kindled in the streets of the cities and towns and at the entrances of houses of both countries.

And just as, according to Jeremiah, in Judaea these latter folk-ceremonies were celebrated in honor of the ancient mother-goddess, or, better, of the ancient Semitic divine triad, so the Syrian festival also was definitely celebrated in honor of the Syrian form of the ancient Semitic father-god, or, again better, of the ancient Semitic divine triad.

And finally, and of climactic significance for this study, just as the ancient Israelite New Year's Day upon the day of the fall equinox was a festival of dedication of temples, the day upon

which not only Solomon's Temple, but also the second Temple, in 516 B. C., and likewise, according to the older biblical tradition, the tabernacle in the wilderness²³² were dedicated, so, correspondingly, the Syrian New Year's Day, upon the day of the winter solstice, was likewise the Syrian Festival of Dedication, upon which, quite properly, the Temple at Jerusalem was defiled and rendered unfit for the worship of Yahweh and was instead dedicated to the worship of the supreme Syrian deity, Baal Shamem.

It was not at all unnatural therefore that the Maccabean victors in 164 B. C. should have chosen as the day of dedication, or rededication, of the Temple to the worship of Yahweh, not the old Israelite-Jewish New Year's Day-Festival of Dedication upon the day of the fall equinox, since in their time this was no longer celebrated as the Jewish New Year's Day,²³³ but rather the third anniversary of the Syrian Dedication Festival upon which the Temple had been dedicated to the worship of the Syrian deity, and that it should have come to be known in time in Jewish tradition and practice as Chanukkah, the Festival of "Dedication." By so doing they not only chose a convenient and very appropriate festal occasion for the rededication of the Temple to the worship of Yahweh, and with this gave new emphasis to the victory, gained with Yahweh's help, over the hated foe, but also, consciously or unconsciously, they revived or reinvigorated what had actually been an ancient Jewish sacred

²³² Cf. "The Three Calendars of Ancient Israel;" also, so it may be inferred, the altar erected by the returning exiles upon the site of the altar of the pre-exilic Temple (Ezra 3.1).

²³³ Since some moment in the very late fifth or, more probably, fourth century B. C. the Jewish New Year's Day had come to be celebrated on VII/1 instead of VII/10, and thus had lost, undoubtedly with deliberate intent on the part of the priestly calendar reformers, all connection with the fall equinox; cf. "Supplementary Studies in the Calendars of Ancient Israel," 72-108. Correspondingly, too, the equinoctial New Year's Day ceremony of the "coming of the radiance of Yahweh" through the open, eastern gate of the Temple and the rekindling thereby of the sacred fire upon the altar had been discontinued and banned apparently from the days of Ezra; cf. Ezek. 44.2; "The Gates of Righteousness," 34 f., and the afore-cited, still unpublished study, "The Fire upon the Altar."

occasion, the observance of which in folk-ceremony had never died out completely, and they gave to this now expanded festal celebration a traditional date and a historical association and import which provided reasonable assurance that this new, important festival, with a deep historical significance, would live on long in Jewish religious observance.²³⁴

It has become clear from all this that, despite the name which 2 Macc. gives to it, "The Festival of Booths in the Month Kislev," there is actually no evidence whatever that the earliest manner of celebration of the Chanukkah Festival was in any way borrowed from, or patterned directly after, that of the Sukkot Festival. Rather, the striking similarity in the manner of the traditional observance of the Sukkot and the earliest manner of observance of Chanukkah seems to be due entirely to the fact that most of the distinctive rites of this early celebration of the latter festival were borrowed from the antecedent Syrian festival, and that both it and the ancient Israelite Asif Festival, the precursor of the Sukkot, had many fundamental features in common. Both were originally, in good part at least, solar festivals, one celebrated at the fall equinox and the other at the winter solstice. Both festivals, each in its respective religion, marked the end of the old and the beginning of the new year. Upon both strikingly similar homoeopathic magical fire rites, and particularly the kindling of fires in the streets and of lights at the entrances to houses, were performed, designed to ensure

²³⁴ This giving to the ancient Jewish festival, celebrated in earlier times on IX/24-30, a historical association and import and thus making it commemorate a significant, and even an epoch-making, event in Jewish history, was in complete accord with the spirit and procedure of the post-exilic age in Judaism, which sought thus to justify and perpetuate all of the ancient festivals, now dissociated completely from their original character as festivals of the agricultural or solar year (cf. the continuation of this study in a subsequent volume of *HUCA*). In this way already during the exilic period the ancient fasts of the fourth, fifth, seventh and tenth months had become associated with the destruction of the Temple in 586 B. C., and therefore still in time to find record in the Bible (Lev. 23.43) the Sukkot Festival was made to commemorate the supposititious dwelling in booths during the wilderness period. A like procedure developed in the post-exilic period in connection with Shabuot and the other festivals and sacred days of the Jewish calendar.

the revivification or rebirth of the waning and dying sun. Upon the proper performance of these rites and the reaction of the light of the sun thereto the fate of the respective peoples for the new year was thought to depend. These rites, borrowed chiefly from the Syrian festival, continued, some briefly, but the kindling of the lights permanently, in the celebration of the Chanukkah Festival. This chain of evidence and the conclusions drawn from it account completely and adequately for the repeated correlation in 2 Macc. of Chanukkah with Sukkot.

If, as we have suggested, it had been the real intention of its Maccabean inaugurators, to make of Chanukkah a major festival of the Synagogue calendar, certainly they did not succeed in their purpose. Chanukkah fell rather quickly, so it seems, into the role of a minor festival of purely historical import, lacking completely, as was thought, biblical origin and authority, whose ritual observance in the Synagogue was more or less secondary and incidental, and which was commemorated chiefly by folk-ceremonies in the homes. Gradually most of the initial rites of the festival fell into disuse, the kindling of fires in the streets, the use of the lulab, etc. Only the recital of the Hallel persisted, very properly, in the Synagogue ritual and the kindling of the lights in the homes during the firmly established eight days of the festival. By the time of Josephus, and presumably even somewhat earlier, so it seems, this manner of celebration of the festival had evolved completely, so that in the first century A. D. it had come to be known generally from the lamps or candles ceremony as *τὰ φῶτα*, "The Lights." So the festival has continued to be observed in the Synagogue and in Jewish folk-practice until the present day, with only the revival of what was in all likelihood its original name, Chanukkah, "Dedication," to supersede "The Lights" of Josephus' day.

From all this it has become perfectly clear that the Jewish Chanukkah festival is actually an adaptation of the antecedent Syrian festival to the very natural Jewish impulse to commemorate in fitting manner both the great victory gained, with divine aid, over a seemingly unconquerable foe and the wondrous deliverance and freedom wrought thereby, and also the rededication of the Temple at Jerusalem to the worship of the God of

Israel who had wrought this salvation. Only incidentally, although this, too, no doubt, to a certain degree, was it a continuation or revival of the older Jewish festival which, we have learned, was celebrated from IX/24 through IX/30. Almost all the distinctive features of its celebration, and particularly the date of its initial day, its continuation for a period of eight days, and the kindling of lights, lamps or candles, were borrowed directly from the Syrian festival. Therefore, it is self-apparent, to understand the antecedents of the Chanukkah Festival aright it is necessary that we concentrate our attention from this point on upon the Syrian festival and endeavor to determine its true origin and its complete character.

We have already made considerable progress in this direction by correlating the Syrian festival with a number of other festivals celebrated in the Semitic world, both ancient and modern. We have, in the first place, following the lead furnished by Weber, linked the Syrian festival with that festival of Syrian origin which was celebrated by the Roman troops at Durostorum, which extended over a period of thirty days, from November 18 to December 17. During the course of that festival a human victim, chosen by lot, played the role of a god and enjoyed all manner of license, only, however, on the last, climactic day of the festival, December 17, to voluntarily sacrifice himself, in the role of the dying solar deity, to his father, Kronos; or perhaps better, as Sanchuniathon states it, in the role of Kronos himself, sacrificed, or even a self-sacrifice, to his father, Ouranos, the heaven god, certainly identical with Baal Shamem. This victim of the festival at Durostorum was required to sacrifice himself in a joyous mood and with a smile upon his face. This festival at Durostorum, so Weber has established, was the ancient Syrian New Year's Day festival. The date of its culmination, December 17, must be borne in mind.

We have also linked this festival at Durostorum with the festival at Caesarea, a festival certainly far more Syrian than Jewish in character and celebrated by pagans rather than by Jews. The festival extended over seven days. Upon its second day Agrippa presented himself before the assembled throng in shining, silver garb, which reflected the rays of the sun,

presumably at the moment of sunrise, and was hailed by the multitude as a god, a role which, despite his Jewish origin and presumable affiliations, he did not reject. Upon the seventh and last day of the festival Agrippa died, impliedly still in the role of a god, a dying god, as it is now self-evident. From the fact that in the celebration of this festival the rays of the sun were reflected from the silver garments of the king, quite as if this was an essential feature of the festival celebration, we have concluded that this festival at Caesarea must have been a solar festival; and from the facts that in its celebration Agrippa was hailed as, and clearly played the role of, a god, and certainly a solar god at that, and that on the final day of the festival Agrippa, still in the role of a god, met his death, we have identified this festival with the Syrian festival at Durostorum, and have concluded that actually it, too, was a form of the Syrian New Year's Day Festival, celebrated in Caesarea, which, though located in northwestern Palestine, was undoubtedly an overwhelmingly Syrian city. We have concluded likewise, from the solar character of the festival, that it must have been celebrated at or very close to the day of the winter solstice.

We have likewise, though somewhat incidentally, coordinated the festival at Durostorum, with its human victim, sacrificing himself to the god of heaven, Baal Shamem, with a smile upon his face, with the biblical legend of the sacrifice of Isaac, the only-begotten son of Abraham, who like the only-begotten son of Kronos, or also, in what seems to be another version of the cult-legend, the daughter of Kronos, was sacrificed, or was on the point of being sacrificed, by his father to the supreme, heavenly deity. Isaac is represented in the biblical narrative, as well as in rabbinic legend, as an innocent, unsuspecting and unresisting, if not actually a completely willing sacrificial victim at the hands of his father. Moreover, as we have seen, the very name, *Yiṣḥaq*, "He is glad," or even, more precisely, "He laughs," identifies Isaac, or rather his Semitic divine prototype, with the smiling, voluntary victim of the sacrifice of the festival at Durostorum. The Isaac story evidences conclusively that the cult, or perhaps better, the festival, of the smiling, youthful solar deity, the only-begotten child, who was slain by his father as a voluntary

sacrifice to the supreme god of heaven, was a firmly established institution of the religion of the Northwest Semites already in the ninth century B. C., when, in all likelihood, the Elohist narrative in the older stratum of Gen. 22 was composed. The Elohist writer employed the ancient Semitic cult-legend to point his lesson that, impliedly unlike the gods of other, neighboring Semitic peoples, the God of Israel not only does not demand human sacrifices, even willing ones, but also in their stead prefers, or even commands, the substitution of a fitting animal sacrifice.²³⁵ Therefore in his version of the old cult-legend, Isaac is redeemed from actual sacrifice by the substitution of the provisionally furnished ram.

We have likewise coordinated the festival at Durostorum, and with it therefore the Syrian festival also, with the present-day Christian Festival of St. Barbara, as it is celebrated in modern Syria and Palestine. The date of this latter festival, December 18, is practically identical with the culminating date of the festival at Durostorum, and also apparently with what must have been the actual opening day of the Syrian festival, if our assumption be correct that this was a festival of eight days duration, or, if of eleven days duration, that the final eight days thereof were of primary festal character. The Festival of St. Barbara commemorates the death of a youthful virgin, a devotee of the Christian trinity, slain by her father as a martyr, and therefore as a not altogether unwilling victim,. We have seen likewise that St. Barbara must be equated with the Egyptian goddess, Bast, whose worship flourished in the syncretistic cult of ancient Byblos, and who must, in turn, in one form be coordinated, or even identified, with the ancient Semitic mother-goddess, and in another form with the divine child, the offspring of the union of the father-god and the mother-goddess. It was this only-begotten divine child who was, in the ancient festival cult-legend, and no doubt also in some of the local festal rituals, sacrificed by his or her father.

We have learned also that the characteristic rite of the celebration of St. Barbara Day, constantly present, with but very

²³⁵ Ex. 34.19; cf. "The Oldest Document of the Hexateuch," 79-90.

slight modification of form, in all celebrations of the festival, was the burning of twelve candles. This was usually accompanied by the eating of a specially prepared dish of boiled grain and also other dainties, and frequently also by the marking of the eyes with soot from the candles, a practice designed to promote the good health of the eyes for the ensuing year. This procedure smacks strongly of a New Year's Day ceremony. We have likewise linked the number of the candles, twelve, with the months of the solar year and have concluded from this that the candles, too, had prognosticatory character, were designed to forecast the degree of solar light and heat in the respective months of the ensuing year. This procedure, too, has all the earmarks of a New Year's Day rite. We have accordingly concluded that the Festival of St. Barbara is in origin the Christianized form of an ancient Semitic New Year's Day festival. And since the observance of St. Barbara Day seems to center chiefly in Syria, we have concluded that it must be the outgrowth of an ancient Syrian New Year's Day festival. And, as we have seen, the date of St. Barbara Day, December 18, identical with the date of the climax and conclusion of the ancient Syrian New Year's Day festival celebrated at Durostorum, and also with what may well have been the opening day of the eight days Seleucid New Year's Day festival which culminated on Kislev 25, offers strong confirmation of this conclusion.

We have seen, too, that St. Barbara Day is celebrated chiefly as a folk-festival, with folk-rites in the homes, and that its celebration exhibits traces of licence between the sexes which, in all probability, was originally much more extreme and general than the restrained practices of the present day. This licentious procedure we have coordinated with the similar practices which once obtained in the ceremonies of the שמחת בית השואבה in the Temple at Jerusalem, during the celebration of the Asif-Sukkot Festival, in such measure that the Jewish authorities of the late post-exilic age found themselves constrained to separate the sexes by confining the women to a balcony during the performance of these rites. We may infer from this that, just as originally licentious rites between the sexes were an element of the folk-observance of the Israelite Asif-New Year's Day Fes-

tival at the time of the fall equinox, so also were they an element of the folk-observance of the Syrian New Year's Day Festival at the time of the winter solstice. The close and illuminating relationship of St. Barbara Day, on the one hand, to the Chanukkah Festival, and, on the other hand, to the ancient Syrian New Year's Day Festival, which was the forerunner of the Chanukkah Festival, is unmistakable.

The similarity of the two figures has led us likewise to coordinate St. Barbara with Jephtha's daughter, also a virgin, slain, or in this cult-legend offered, by her father as a voluntary sacrifice. We have seen also that the very language of the biblical narrative of Jephtha's daughter suggests that back of the legend lay a Semitic astral myth, which pointed unmistakably to the conclusion that Jephtha's daughter, like St. Barbara, was merely an Israelite or Gileadite form of the ancient Semitic goddess, either the mother-goddess or the divine child, or, in some respects, a union of both deities. And in such case Jephtha, of course, at least in the legend, corresponds to Kronos of Sanchuniathon's narrative.²³⁶ In her honor, or probably more correctly, in her worship, an annual festival was celebrated in Gilead over a period of four days. Rabbinic tradition has preserved a reminiscence that this festival was celebrated at the time of the winter solstice. According to the biblical record, this festival was participated in chiefly by the women of Gilead, who celebrated with festal song the deeds and the death of their beloved virgin-goddess. No doubt

²³⁶ This concept of Jephtha as a solar deity, corresponding to Sanchuniathon's Kronos, may even be implicit in the name of the hero; for *Yiftah*, "He opens," or "He who opens" (*scil.* "the portals of the eastern horizon, through which the sun emerges"), is certainly a most appropriate name for a solar deity. This does not mean at all that the record in Judg. 11-12, of the wars of the Gileadites under the administration of a native leader, whether actually named Jephtha or otherwise, against both the Ammonites and the Ephraimites, is not historical. There is no reason whatever to question the complete historicity of the entire biblical narrative, except the one element of the unquestionably mythological legend of Jephtha's daughter, and, perhaps also, as just suggested, the name, Jephtha. It is not at all impossible, too, that this hero's name may have actually been *Yiftah*, or even more fully *Yiftah-el*, and that it was this very name which suggested the linking of the myth of the virgin-goddess sacrificed by her father to this historic figure.

this festal song was attended by rites of mourning and wailing for the dead deity.²³⁷ Such festivals, extending over several days, usually began with rites of fasting, mourning and wailing for the slain deity, which gradually changed to expressions of rejoicing and merry-making,²³⁸ and even licentious practices attendant upon the thought of, and, as homoeopathic magical rites, conducive to, the expected resurrection or rebirth of the dead god. It is almost inconceivable that, even though women were, according to the biblical statement, the chief celebrants of this Gileadite festival, men should not also have been present and have played some part in its observance. It seems quite probable that licentious acts between the sexes, most probably, at this relatively early stage of the celebration of this festival, of a homoeopathic magical character, designed to promote the rebirth of the dead goddess, were an integral part of the festival cult. But if so, then this would be another point of contact and relationship between this festival of Gilead, in close proximity to Syria, and the Festival of St. Barbara.

And, finally, we have seen that the figure of Jephtha's daughter, like that of St. Barbara, parallels closely the figures of both the ancient Semitic mother-goddess and also of the divine child in various forms of Phoenician tradition and legend, which have been preserved, for the most part, in classical literature.

We have thus established a very close inter-relationship between the Gileadite festival of Jephtha's daughter, to begin with that form of the festival which has the oldest record, the Syrian New Year's Day Festival of the Seleucid era, the Syrian New Year's Day festival of the Roman legions at Duros-torum, the festival at Caesarea, and St. Barbara Day, and also incidentally with the Saturnalia, the festival of Dusares and

²³⁷ It is, of course impossible, now that we recognize in Jephtha's daughter, slain as a virgin by her father, a form of the ancient Semitic divine child, who, in each successive year, after his or her annual resurrection, died a violent death, not to link the Gileadite festal practice of the women mourning and celebrating in festal song the death of their goddess with the record in Ezek. 8.14 of the women mourning for Tammuz; cf. also the Harranian practice of the women bewailing the death of Tammuz, recorded by En-Nadîm (cf. Chwolsohn, *Die Sabier und der Sabismus*, II, 27).

²³⁸ Cf. "Two Ancient Israelite Agricultural Festivals,"

Christmas, and have found that they are all, not borrowings or developments the one from the other, but rather outgrowths of a common, original Semitic festival of high antiquity, which, marking the end of the old and the beginning of the new year, must have been celebrated at or very near the winter solstice. Since the locale or place of origin of all these five festivals was Syria or territory immediately adjacent to Syria, we must conclude that, in contrast to the general Palestinian procedure, which celebrated the New Year's Day upon the day of the fall equinox, in Syria and neighboring lands the New Year's Day was celebrated generally from very early times upon or very close to the day of the winter solstice.

This Syrian New Year's Day festival, which usually extended over a period of days ranging from four to thirty, was celebrated in the worship of the ancient Semitic divine triad, the father-god the mother-goddess and the divine child. At the beginning of the festival, in the earliest and most elementary form of its celebration, a human victim seems to have been offered, who, as a voluntary sacrifice and with a smile upon his face, died in simulation of the waning and dying sun, and, no doubt, with the confident expectation of sure and speedy resurrection. The festival began, like all other similar ancient Semitic festivals, with ceremonies of fasting and self-humiliation, the casting of earth or ashes upon one's own person and other rites of mourning and wailing for the dead deity, thought to have been slain by his, or her, father, rites in which the women worshipers seem to have borne the leading role. But these rites gradually changed, with the progress of the festival, to ceremonies of rejoicing, merry-making and even acts of sexual licence, designed, through their homoeopathic magical character, to further the marital union of the parent deities and the resultant rebirth of the divine child. He was expected to be reborn upon the last, the climactic day of the festival. His rebirth, indicated or symbolized by the coming of the first rays of the rising sun upon what was thought to be the day of the winter solstice, marked the beginning of the new year. It was a moment and a ceremony extremely critical in the life of its celebrants; for, of course, should the divine child, the sun of the new year, not be reborn, should clouds overcast

the heavens, and the rays of the sun not break through to cheer the anxious multitude, should it be a day of darkness and not of light,²³⁹ then, not good fortune, but only doom, inadequate crops, hunger and starvation, could befall the people during this new year, and their existence would become most precarious. Accordingly bonfires were kindled in the sanctuaries and streets and at the house entrances, or other, parallel fire ceremonies were performed, designed, through their homoeopathic, magical power, to promote the rebirth or revivification of the waning and dying sun.

This day, which marked the culmination of this great, annual New Year's Day Festival, was indeed a day of crisis in the life of the people of every Syrian city-state or district, upon which their very survival as a people was thought to hang in the balance. We can easily understand therefore the anxiety of the Roman legions at Durastorum when, at the very beginning of this Syrian New Year's Day festal period, Dasius, the Christian, chosen by lot for that very purpose, refused stubbornly to play the role of the divine victim, destined for self-sacrifice at the end of the festival. It must have seemed to them in consequence an augury of grave misfortune, or even of calamity, appointed by divine decree to befall them in the new year soon to begin so unhappily for them.

So much we have learned about the Chanukkah festival, the Syrian New Year's Day festival, its immediate, historic antecedent, and the other ancient Semitic festivals closely related to it. Is it possible to learn even more?

(To be continued)

²³⁹ Cf. Amos 5.18.

CUSHAN-RISHATHAIM

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OF all the stories in the Book of Judges, none has, despite all attempts at solution, posed difficulties so baffling as the one concerned with the war waged by Othniel, the Kenizzite, against Cushan-rishathaim, King of Aram-naharaim (Judg. 3.8-10). There may be nothing problematic about the fact that the hero eponymos of the tribe of Kenaz (which, according to Judg. 1.11, had its center in Debir of the Negeb) appears as the first in the series of judges. The purpose of this is obvious. The alien groups, Caleb, Othniel, and Jerachmeel had, during the period of the Exile, been pressed by the Edomites into the domain of Bethlehem and Jerusalem where, as shown by their inclusion in the genealogy of Judah according to Chronicles, they were completely absorbed by Judaic groups. In the Deuteronomistic reworking of the Book of Judges, the judge Othniel signalizes historic recognition for the legality of this status.

The puzzle lies rather in the name of the hostile king and in his connection with Aram-naharaim. The readiest explanation is that attempted by J. C. Ball¹ who refers to the Kossaic feminine name, Kashsha-rishat, both parts of which appear also in the names of men. It cannot, however, be seriously maintained that the Kossaeans bore any historic connection with Southern Judah, especially at the time of their total collapse. Reference to the Kossaeans proves of value, but in a different connection.

The fact that, in a few passages, אָרַם is erroneously written instead of אֲרָם might warrant an explanation more in line with historical preconceptions. Like the Kenizzite groups, Caleb and Othniel, other Edomites may have pushed into the Negeb and engaged in warfare with the Kenizzites of Debir. But how

¹ *Expository Times*, 21, 1910, p. 192.

about Aram-naharaim? That would naturally be a later and a rather inexplicable addition. This surmise, first ventured by Graetz, seemed to attain final confirmation when A. Klostermann appended that כושן רשעתים amounts to nothing but the name of the third Edomite king קשם מארץ התימן (Gen. 36.34). Klostermann was likewise not at a loss to account for the surname, deriving it from רשעוּת התימן.² To this conjecture, the explanation offered a year earlier by G. F. Moore gave way completely. Burney deemed Moore's explanation not even worth mentioning. Apparently the right explanation looked too simple. Besides, Moore had stopped half way. He had based his conclusion on Num. 12.1, זיפורא הקשית, on Ex. 2.16, her father כהן מדין, and on Hab. 3.7, ארץ מדין next to the ארץ כוש, and had inferred that Cushan was a Midianite tribe. Cushan would then be, in our text, like Othniel, the name of a clan rather than of a person.

That this view remained unnoticed and yielded to the theory about the Edomites was plainly due to the fact that Moore's interpretation offered no explanation of Cushan's surname and of the name of Cushan's country.

Regarding the name Cushan, we shall go beyond Moore and shall recognize a connection with the Kossaeans of Babylonia, not a historical connection but a fictive one, whereby the name Cushan led to the invention of the name Cushan-rishathaim of Aram-naharaim. The question, we say, is not historical but literary. We have here a late literary transmutation of the Midianite Cushan into a Kushite. This alteration may have been furthered by the fact that Nimrod is called the son of Cush (Gen. 10.8) and that such is also the name of the country circled by the river Gihon (Gen. 2.13). So much, at any rate, we conjecture. Proof lies in the fact that this is the only basis

² H. Graetz, *Geschichte der Juden*, I, p. 98, p. 375 ff.; A. Klostermann, *Geschichte des Volkes Israel*, p. 192 ff. For that which follows, G. F. Moore, *A Critical and Exegetical Commentary on Judges*, first edition, 1895. G. F. Burney, *The Book of Judges*, 1918.

on which we can begin to explain the surname Rishathaim and the linkage with Aram-naharaim.

In connection with the interpretation of *Rishathaim* to mean "of double wickedness," reference has been made to *Merathaim*, a word of similar import in Jer. 50.21. But that reference had merely the purpose of comparing modes of designation. It is my own view that much more is involved. I believe that the Deuteronomist is imitating. Proof of the dependence rests upon the distinction that *Rishathaim* is the surname of a person, while *Merathaim* designates a region. Friedrich Delitzsch³ has called attention⁴ to the fact that the southernmost part of Lower Babylonia is known as *mât marrâtim*, situated next to the region Peqod (Pukudu). The two are juxtaposed in the above cited passage: עֲלֵיהֶֽאֱרֶץ מֶרְתִּים עֲלֶה עֲלֶיהָ וְאֶל־יוֹשְׁבֵי פִקּוֹד. Delitzsch assumed, accordingly, that Jeremiah did indeed name a region and that the dual form was inserted by "ill advised punctators." But already the translation into Greek regards the word as an appellative⁵ and, even though the connection with Peqod removes all doubt that the actual designation of a region is basic here, still it is equally certain that Jeremiah chose the unusual substitute name for Babylon because he wished to express contempt for Babylon by means of a contemptuous play on words.⁵ Any doubts that remain should be dispelled by פִּקּוֹד, from which word we have likewise to extract the idea of "visitation."⁶ Micah may have intended a similar play on words when he called 5.5 Assyria גְּמִרוֹד אֶרֶץ (the land with the name, "We shall be rebellious").⁷

³ *Wo lag des Paradies?* 1881, pp. 182, 240.

⁴ With alterations characteristic of the translator: עֲלֵיהֶֽאֱרֶץ is attached to the preceding sentence, מֶרְתִּים has become *πικρῶς*, and פִּקּוֹד in the sense of *animadvertere* as the verbal form of פִּקֵּד.

⁵ Delitzsch no longer included the passage in his *Lese-und Schreibfehler im Alten Testament*, 1920.

⁶ Which was actually done by the translation into Greek (note 4). It is noteworthy that Ezek. 23.23, in a context remote from any play on words, mentions next to פִּקּוֹד the גְּמִרָה וְגִלְכִּשְׁדִּים.

⁷ Cf. Franz Th. Boehl in the *Mededeelingen der Koninklichen Akademie van Wetenschappen, Afdeling Letterkunde*, 1925, Deel 59, Serie A No. 3 for these and similar plays on words.

Thus it is logical to premise that אֶרֶץ מִדְיָן was the model for כּוּשׁן רֶשַׁעִים; and it is equally logical to deduce that רֶשַׁעִים refers to Babylon: because only in the first instance an actual name of a place underlies the designation, the change into the name of a person was a matter of copying. That it did not take the form כּוּשׁן מֶלֶךְ אֶרֶץ מִדְיָן is explicable by the intent to degrade the hostile king and perhaps also, through the substitution of one expression for another of identical meaning, to achieve remoteness from the prototype.

The name Aram-naharaim adds to the evidence. The putting of Aram-naharaim for Babylon is now self-explanatory. Babylon was definitely identified with אֶרֶץ מִדְיָן, wherefore the land of the Middle Euphrates had to be chosen for the king of similar designation.

The name Aram-naharaim occurs only four additional times. In Deut. 23.5, בְּלָעַם בֶּרֶכְעוֹר מִפְּחוֹר אֲרָם וְנָהָרִים, shows, by comparison with the original account in Num. 22.5, אֶרֶץ אֲרָם וְעַלְיָהֶרָר, the emending hand of the Deuteronomist. In I Chron. 19.6 (quoted in Ps. 60.2), the Ammonites summon to their aid the people of Aram-naharaim, Aram-maacah, and Zobah, such being the alteration of the original Aram Beth-rehob and Aram Zobah in II Sam. 10.6. Aram-naharaim of our passage belongs to these alterations made by D and P. The basis of it all lies in that one and only ancient passage, Gen. 24.10, J, where Abraham's servant goes to Aram-naharaim, to the city of Nahor.

We have reached the end of the evidence to be marshalled for the thesis here propounded.⁸ Nonetheless, there remains one point of amplification which is to make clear the ultimate motives for transforming a Midianite Cushan into a Babylonian Kushi.

⁸ Among the attempts at explanation, Hittites and Mitannians have, of course, not been overlooked. In deference to the importance of their names, I must mention that E. Meyer (*Geschichte des Altertums*, II, 2, p. 368, note) does not exclude the possibility that our narrative may harbor reminiscences of an Aramean thrust into Palestine; and that W. F. Albright (*Archaeology and the Religion of Israel*, 1942, p. 205) thought of a district of Qusana-ruma which was located in Northern Syria and noted in the lists of Ramses III.

Mal. 1.4 says of Edom: וַיִּקְרָאוּ לָהֶם גְּבִיל רֶשָׁעָה, which shows parallel attitudes toward Edom and toward Babylon.

In Zech. 5.8, the prophet sees a woman enclosed in a measure and says of her: זֹאת הֶרֶשֶׁעָה. Wickedness is thus demonized. Two genii carry the measure through the air "to build her a house in the land of Shinear" (v. 11). After the destruction of the city and of the Temple, Babylon had become the land of wickedness typified. From Babylon all wickedness proceeded. Wickedness, whose disappearance from the Holy Land was prerequisite for its restoration, had to be deported in a closed vessel to Babylon, the land of her origin.

The next land of evil was Edom. The virulent prophetic denunciations of Edom are exilic and post-exilic. The oracles of the Book of Obadiah are directed against Edom exclusively. Hebron had become Edomitic domain. Then there was the crowding out of the Kenizzites which we mentioned in our introduction. This produced the atmosphere as a result of which the alteration of a Midianitic Cushan (located close to Edom) into a Babylonian Kushi is regarded no longer as a piece of antiquarian trifling but is to be understood out of the reality of the exilic and the post-exilic period.

Speaking of the reign of King Asa, the third in succession from Solomon, the Book of Chronicles (II, 14.8 ff.) reports the triumphant repulse of an invasion of יִגְרָח הַכּוּשִׁי.⁹ We think, in this connection, only of the Sinaitic Cushanites mentioned again in 21.16, this time alongside of the Arabs. Entirely without relevance here is the question whether or not this account is historical. The real issue is whether the story existed prior to the creation of the Cushan legend and whether it may have been the source of that legend. That question of historicity is as futile and misleading as the question whether the legend may not mirror reminiscences of earlier Cushanite invasions. Considerations of this kind are not only beside the point; they also deflect attention from something which may be regarded as indeed historical reality, and that exists not in the realm of outward

⁹ By which I do not mean to intimate that I regard the occurrence as a possibility. The victory is ascribed to King Asa, the destroyer of alien cults.

happenings but in the realm of mind. It belongs to the sphere of ideas and sentiments which prevailed, during and after the Exile, concerning the Edomites who had pushed up into Hebron from the South, bringing, in their train, smaller tribes of the desert and the steppes. I am reminded of the Bene Baean in I Macc. 5.4.

Such is the historical background of our narrative and such is the sense in which this narrative renders historical testimony. The spirit of the age in which that narrative originated — to this our narrative bears witness.

HEBREW INSTALLATION RITES

A CONTRIBUTION TO THE STUDY OF ANCIENT NEAR EASTERN-AFRICAN CULTURE CONTACT

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THE penetration of cultural influences from the ancient Near East into Negro Africa is being more and more generally recognized. One of the culture complexes, well attested in both the ancient Near East and Negro Africa, is the divine kingship of which a hitherto relatively neglected trait is the royal installation ritual. It is with this ritual that we propose to deal in the following pages, attempting to show how far the African pattern can be related to the ancient Hebrew installation ritual which in itself has yet to be gleaned from Biblical passages and allusions.

I

In a highly suggestive chapter of his book "Kingship," A. M. Hocart established a general pattern of the coronation ceremony as practised by a number of peoples in Asia, Africa and Europe. The centre of the area dealt with by Hocart roughly corresponds to what we are used to call the ancient Near East, and it is this area which may have been, according to Hocart, "the original home of all consecration rites."¹ In the years following the publication of Hocart's study, more attention was paid than previously to the ceremonies accompanying the installation of kings or chiefs both in countries within the area of the Near East and bordering upon it.

¹ A. M. Hocart, *Kingship*, Oxford Univ. Press, London, 1927, p. 98. The chapter referred to above is ch. viii, "The Coronation Ceremony," pp. 70-98.

C. K. Meek has repeatedly described the installation ceremonies of kings and chiefs among a number of West African tribes, and unhesitatingly ascribed them to Egyptian influence.² C. G. and Brenda Z. Seligman pointed out the prevalence of similar installation ceremonies in a territory much nearer to Egypt, namely the Nilotic Sudan,³ and though they did not attribute precisely these ceremonies to ancient Egyptian influence, they commented: "that the country was influenced by her great neighbour seems a mere truism."⁴ A year later, in his Frazer-lecture, Seligman pointed to the correspondence between the "divine kingship" of the ancient Egyptians and that of the Nilotic tribes as expressed in ceremonies such as installation, "re-investiture" and the ritual killing of the king. He added, however, that chronological factors made the idea of direct Egyptian influence untenable, and he was inclined to recognize in the divine kingship of the Nilotic Sudan and West Africa an old and widespread Hamitic belief.⁵

A German ethnologist, W. Schilde, maintained that the divine kingship originated in the Near East whence it spread, over Arabia to Abyssinia, and from there to the rest of Africa.⁶ The same opinion is held by H. Baumann,⁷ and endorsed in a recent dissertation by Tor Irstam who has collected much relevant

² C. K. Meek, *A Sudanese Kingdom*, London, 1931, pp. 120 sqq., esp. 129, 134, 136, 138, 139, 141, 143. Id., *Tribal Studies in Northern Nigeria*, London, 1931, vol. I, pp. 3 sq., 110, 159, 184, 302; vol. II, pp. 292 sq., 442 etc. Meek also utilizes for comparison material drawn from J. Roscoe, *The Baganda*, London, 1911.

³ C. G. and Brenda Z. Seligman, *Pagan Tribes of the Nilotic Sudan*, London, 1932, pp. 90 sqq., 110, 541 sqq.

⁴ Op. cit. p. 34.

⁵ C. G. Seligman, *Egypt and Negro Africa, A Study in Divine Kingship*, The Frazer Lecture for 1933, London, 1934, pp. 58-60.

⁶ W. Schilde, *Ost-westliche Kulturbeziehungen im Sudan*, In memoriam Karl Weule, Leipzig, 1929, p. 160; id., "Die afrikanischen Hoheitszeichen," *Zeitschrift für Ethnologie* 61 (1929), p. 137; as quoted by Tor Irstam, *The King of Ganda, Studies in the Institutions of Sacral Kingship in Africa*, The Ethnographical Museum of Sweden, Stockholm, New Series, Publ. No. 8, Stockholm, 1944, p. 192.

⁷ H. Baumann, *Völkerkunde von Afrika*, Essen, 1940, pp. 56 sqq., 62, 65, as quoted by Irstam, *loc. cit.*

material pertaining to "the institutions of sacral kingship in Africa."⁸ His data show very clearly that a basically homogeneous pattern of sacral kingship — and this, naturally, comprises also the enthronement ritual — exists throughout a wide area of Africa, largely co-extensive with, but often extending beyond, the territory occupied by Sudanic-speaking peoples, or the grassland and Savanna belt bordered by the desert in the north and the tropical forests in the south, and stretching from Abyssinia in the east to Senegal in the west.⁹ The special features which lead Irstam "to think precisely of the Near East (as the place of origin of the African sacral kingship) are for example the notions of the scapegoat, the substitute king, the water of life and the life tree, and the identification of the king's life with the life of the country."¹⁰

Concurrently with these ethnological and anthropological studies the theme of the divine kingship was taken up also by students of the ancient Near East. S. H. Hooke edited two volumes of essays dealing with the myth and ritual pattern of the ancient Near East in which the contributors devoted considerable space to the role played by the king in the great seasonal festivals,¹¹ while Professor Hooke himself reverted to the subject in his Schweich-lectures of 1935.¹² The enthronement proper, however, has been only touched upon in these three studies.¹³ The same can be said of the excellent studies of Julian Morgenstern, who has shown that in the pre-exilic period it was the king, both the Judean and the Israelite, who performed the chief role in the celebrations of the New Year festival, in his capacity as chief-priest of the nation.¹⁴

⁸ Irstam, *op. cit.* pp. 192 sqq.

⁹ In fact the sacral kingship extends southward through the Bantu line mainly in the vicinity of the western shores of the lake Victoria, but this is immaterial for our present purpose.

¹⁰ Irstam, *op. cit.* p. 193.

¹¹ S. H. Hooke, (ed.), *Myth and Ritual*, Oxford Univ. Press, London, 1933, and *The Labyrinth*, London, 1935.

¹² S. H. Hooke, *The Origins of Early Semitic Ritual*, The Schweich Lectures for 1935, London, 1938.

¹³ Cf. their respective Indices, s. vv. Coronation, King, Kingship.

¹⁴ J. Morgenstern, "Amos Studies," *Hebrew Union College Annual*, XII-

In a recent dissertation Ivan Engnell has exhaustively dealt with the manifestations of divine kingship among the peoples of the ancient Near East (with the exclusion of the Biblical material to which Engnell intends to devote a special volume), but even here the installation ceremonies are only casually referred to, and Engnell contents himself with a reference to Widengren's article in the *Uppsala Universitets arsskrift*¹⁵ as dealing "with the enthronement as divinization and the appertaining ideological importance of these things with regard to Phoenicia, Ras Shamra, Palestine, and particularly the pre-Israelite Jerusalem."¹⁶ This paper is, unfortunately, not available in Jerusalem and so I have to content myself with the short summary of the findings of Professor Widengren concerning the Canaanite enthronement ritual as recapitulated by Engnell in a short footnote:¹⁷ "The items are, as worked out by Prof. Widengren: the ascension of the throne (after an oracle promise), the handing over of the sceptre (the king's triumph), bringing of gifts, the epiphany of the king-god (after his investment with the holy insignia), the promise sworn by the father-god." Engnell himself intends in his forthcoming volume to touch upon the question of the coronation and enthronisation," arguing II Sam. 7 as an historicized coronation liturgy (adducing Egyptian and Sumerian parallels): a dialogue between the god and the king comprising the god's promise (through a prophet — cf. Ps. 2, 110 etc.) vv. 8–16: selection victory, enthronement among 'the great ones that are in the land' (= 'the holy ones that are in the land' Ps. 16.3 q. v. Nyberg, *Studien zum Hoseabuche*, p. 121, ZDMG, 1938, p. 336) i. e. divinization, the existence of the dynasty etc.; followed by the king's psalm of thanksgiving (vv. 18b–22, cf. Ps. 132) culminating in a prayer of fulfilment."¹⁸

XIII (1937–38), pp. 1–34; "A Chapter in the History of High Priesthood," *American Journal of Semitic Languages* 55 (1938), pp. 1–24, 183–197, 360–377.

¹⁵ 1941: 7.1 pp. 6 sqq., 12 sqq.

¹⁶ Ivan Engnell, *Studies in Divine Kingship in the Ancient Near East*, Uppsala, 1943, p. 79.

¹⁷ *Loc. cit.* note 8.

¹⁸ *Op. cit.* p. 175, note 7.

As to the connection between the African and the ancient Hebrew installation rituals, it is clear that the ritual must have passed from the ancient Near East to Africa, and not vice versa. It follows, however, from the very nature of the two sets of data we wish to collate, that the African will appear fuller and more complete than the Biblical, even though the ancient Hebrew (as in general the ancient Near Eastern) installation ritual must have been richer both in structure and detail than its present day African counterpart. It lies in the very nature of ceremonial patterns that they tend to disintegrate when transmitted either from one generation to the next or from one people to another. Thus while supposing in theory that the ancient Hebrew installation ritual was the fuller and richer of the two, we shall nevertheless take as our point of departure the ritual pattern of the African installation ceremonies of which we possess a far more complete picture, and shall investigate point after point whether descriptions of, or at least allusions to, corresponding ritual features can be found in ancient Hebrew literature.

The pattern of the African coronation ritual, as worked out byIRSTAM from the study of accounts of sixty two coronation ceremonies in various parts of Africa, is as follows:¹⁹

1. Ceremonies that symbolized the king's death and rebirth.
2. The king was dressed in special robes.
3. The king received a new name.
4. Entrance dialogue and proclamation.
5. Ritual fight.

¹⁹IRSTAM, *op. cit.* p. 26. This pattern agrees nearly on all points with that arrived at by HOCART who based his pattern mainly on non-African material, namely Fijian, Brahmanic Indian, modern Cambodian, ancient Egyptian, Hebrew, Roman (the triumphal procession), Byzantine, Abyssinian and European Christian coronation ceremonies, HOCART, *op. cit.* pp. 70-98. HOCART's material, however, has been drawn from a great variety of peoples distant from each other, and precisely those rituals which are derived from the ancient Near East proper — the Egyptian and the Hebrew — are very poorly attested and it is evident that they did not contribute anything to the construction of HOCART's pattern, which is based mainly on the Fijian, Brahmanic and Cambodian material.IRSTAM's list, on the other hand, is based on largely homogeneous material drawn from a single continent, Africa, and as pointed out above, mainly from the central belt of Africa at that.

6. The king went into retirement for a certain period.
7. Communion.
8. The king was baptized.
9. The king mounted a hill.
10. The king planted his life-tree.
11. Admonitions and promises.
12. The king was anointed with oil.
13. The king put on shoes.
14. The king received certain regalia.
15. The king sat on the throne.
16. The king was crowned.
17. Fires were extinguished and rekindled.
18. The king scattered beans etc. among the people.
19. Not all were allowed to be present at the most important ceremonies.
20. After the coronation the king travelled round his domain and received homage.
21. Festivities were held.
22. The king was made the butt of the people.
23. Those taking part dressed themselves as gods.
24. Human sacrifices.
25. The king's brothers were killed.
26. Substitute king.
27. The queen was crowned at the same time as the king.

Naturally, one must not suppose that all the twenty seven rites contained in this list occur at the coronation ceremonies of each and every one of the sixty two African peoples referred to above. The contrary is the case: there is not a single people whose coronation ceremony contains all the twenty seven points. The most complete coronation ceremonies were held in: Ganda (18 rites), Nyoro (17 rites), Jukun (15), Shilluk (13), and Abyssinia (13). In many cases the number of the rites observed does not exceed five or six. The list thus details a hypothetical coronation ceremony compounded from the individual rites which are to be found among a great number of peoples. In many cases, moreover, certain deviations from the items of the pattern are to be found. the various forms of occurrence of a given rite often

bearing only a faint resemblance to each other. Neither is the order of the individual rites necessarily that of Irstam's list. These facts must be borne in mind when we come to reconstruct the coronation ceremony of the ancient Hebrews.

After these introductory remarks, let us now examine what descriptions of, or allusions to, acts of a ritual nature can be found in Biblical literature. Most of these will pertain to the installation of Saul, first king of Israel. We shall, however, be able to complete the pattern of Hebrew coronation rites with data drawn from the accounts of other Hebrew kings, and — in some cases at least — from the account of the consecration of priests.

II

Let us now begin with the method of choosing the king from among the eligible candidates. Kingship was both in Judah and in Israel a hereditary office. But the first two kings, Saul and David, as well as some of the later kings in the Northern Kingdom, were chosen by seers or prophets.²⁰ The seer or the prophet, as the spiritual leader of the people, wielded authority enough for his choice to be unquestioningly accepted by the people when it fell on a recognized hero, such as Jeroboam or Jehu. But when the seer chose an unknown youth, such as Saul or David, his choice had to be made acceptable for the people either by the king-elect's proving his mettle, as it happened in the case of David, or by a perceptible manifestation of the will of god, namely by the oracle, as in the case of Saul. First we hear that when Samuel saw Saul, the Lord said unto him: "Behold the man whom I spake to thee of! This same shall reign over my people."²¹ Whereupon Samuel told Saul of his election as king and anointed him.²² With the anointing of Saul his election became a *fait accompli*, nevertheless when Samuel called the

²⁰ Saul: I Sam. 9.17 sqq.; David: I Sam. 16.1 sqq.; Jeroboam: I Ki. 11.29 sqq.; Jehu: I Ki. 19.16, II Ki. 9.1 sqq. Also Hazael king of Syria, I Ki. 19.15, II Ki. 8.13.

²¹ I Sam. 9.17, cf. vv. 15-16.

²² I Sam. 9.19 sqq., 10.1 sqq.

people together to Mizpah to perform the public election of the king, he let the king be chosen out of the whole of the people by oracle.^{22a} He said to the people: "Now, therefore, present yourselves before the Lord by your tribes and by your clans.²³ And Samuel caused all the tribes of Israel to come near, and the tribe of Benjamin was taken [by the oracle] and he caused the tribe of Benjamin to come near by its families, and the family of Matri was taken; [and he caused the family of Matri to come near man by man²⁴] and Saul the son of Kish was taken . . ."²⁵

The whole procedure is identical with that adopted by Joshua to find out who had taken "of the accursed thing."²⁶ But the identity is only formal. As to the content and purpose there is a fundamental difference: Joshua did not know who had committed the trespass; he knew only that somebody had "taken of the accursed thing"²⁷ and following the instruction of God he cast lots to find out who the sinner was. Samuel, on the other hand, knew well whom the lot would choose, in fact he had already anointed the chosen king, and consecrated him by a number of other installation rites,²⁸ so that while the casting of lots was for the people in general the first indication of the identity of their future king, for Samuel it was a mere formality by which he could avoid any questioning of his choice on the part of the people or of disappointed pretenders.

Now, much the same procedure is adopted by the electors of African kings. Among the Jukun (in Nigeria) the following is the procedure of the election of the Aku (the king) of Wukari, one of the principal towns of the country: The official known as Kinda Cheku "ascertains the wishes of all the senior officials.

^{22a} As to the choice of kings by oracle, cf. Lods, "Le rôle des oracles dans la nomination des rois," *Mémoires de l'Institut français*, lxvi (1934), 91 sqq., as quoted by M. Buber, *Das Kommende*, vol. ii, 160, n. 62. This volume of Buber's book was partly set in Germany in 1937, but could no longer be printed. Prof. Buber kindly put at my disposal the proofs in his possession.

²³ אֶלְפִּיכִם, verbally: "your thousands."

²⁴ So to complete according to the Septuagint. Cf. Josh. 7.17.

²⁵ I Sam. 10.19-21.

²⁶ Josh. 7.16-18.

²⁷ Josh. 7.11.

²⁸ Cf. below, pp. 157 sqq.

There is necessarily a great deal of preliminary intrigue and bribery, and the final choice remains a secret until the day of the election. It is said that the person chosen must have received the formal approval of the gods as declared by the divining apparatus."²⁹ Among the Roba of Northern Nigeria, "if there are several candidates from qualified families, resort is usually had to divination. A diviner, or Ed Gambo, as he is called, is to be seen in most villages. He has a shrine of his own in the middle of the village — a circle of stone covered with a conical thatch. The floor is covered with gravel, on which rest a large number of pottery figurines. If the diviner is called on to declare who shall be chief, the figures are arranged to represent the various eligible candidates." The diviner performs diverse manipulations with broken pieces of calabash, shells, and so on. "After chanting for three or four minutes, he suddenly stops and indicates a particular pottery figure — the person chosen as chief by the occult powers."³⁰ It is clear that the role played by the Roba diviner in the choice of the chief closely corresponds to that played by the Kinda Cheku of Wukari. He, probably after consultation of the influential persons, decides on the selection of a certain candidate, and proceeds to let the divinity have its choice.

A third example can be found among the Konde who live in Nyasa land and Tanganyika territory. After the death of Chungu, their ruler, the chiefs and their men, fully armed, gather to the mourning, and the councillors meet to select a successor from among the Bakerenge, a group of families who alone can provide a new Chungu. Who this shall be is determined by divination. At a great feast Mulwa, one of the hereditary councillors, prays to the spirits that their choice be confirmed. Mulwa, carrying in his hands the 'rod of lordship,' stands out and looks around on the assembled chiefs. Suddenly he throws the rod at the man selected. Immediately he is seized with a shout of triumph . . ."³¹ The common feature of both the Roba and the

²⁹ Meek, *A Sudanese Kingdom*, p. 135.

³⁰ Meek, *Tribal Studies*, II, 441 sq.

³¹ D. R. Mackenzie, *The Spirit-Ridden Konde*, 1925, pp. 69-73, as quoted by Seligman, *Egypt and Negro Africa*, p. 29.

Konde procedure is that in both cases the premeditated choice of the councillors is given the appearance of a spontaneous divine decision. The same procedure, though in a somewhat different form, is observed among the Shilluk of the Nilotic Sudan, on the banks of the White Nile. Here the selection of a new king is in the hands of the chiefs of the districts into which the Shilluk territory is divided. In a secret meeting the chiefs decide who among the pretendents may run for the election. Each of the candidates admitted gets a stone which he in turn submits to those conducting the ceremony, as the candidates themselves are not present at the proceedings. The stones are thrown into a fire and the stone of the chosen candidate remains after the others have burst out of the fire; or, according to another account, the kingship is determined by the right colour one of the stones assumes in the fire. Hofmayr, the author of this account, remarks: "As each of the princes admitted to the elections had been assigned his stone, by clever manipulation of the stones it is always the favourite of the electors who is thus chosen king."³²

From certain remarks of Diodorus on the royal election in pre-Christian Abyssinia it would appear that the method of both secretly electing the king and publicly choosing him by lots, was practised in Africa some two thousand years ago.³³

According to Jewish tradition the oracle by which Saul was chosen was the Urim and Tummim.³⁴

The choice of the true king by means of a miraculous oracle re-occurs as a legendary motive among both Jews and Africans (as well as elsewhere). According to a talmudic legend, when Samuel tried to pour the holy oil on David's brothers, it remained in the horn, but at David's approach it flowed of its own

³² W. Hofmayr, "Die Schilluck," *Anthropos* 2:5 (1925), p. 145, as quoted by Irstam, *op. cit.* p. 45. Cf. Westermann, *The Shilluk People*, Berlin, 1922, p. 122; C. W. Domville Fife, *Savage Life in the Black Sudan*, London, 1927, p. 110; Seligman, *Pagan Tribes of the Nilotic Sudan*, p. 93

³³ Frobenius, *Und Afrika sprach*, Berlin, 1912-13, vol. III, pp. 57 sq. as quoted by Irstam, *op. cit.* p. 45.

³⁴ L. Ginzberg, *The Legends of the Jews*, Philadelphia, 1913, vol. IV, p. 65 and note 52 in vol. VI.

accord and poured itself over him. The drops on his garments changed into diamonds and pearls and after the act of anointing him the horn was as full as before.³⁵

With this we may compare the following African story: "When Dagara, the king of Karagwe, on the western shore of Lake Victoria Nyanza, died, he left behind him three sons, each of whom was eligible to the throne. The officers of state put before them a small mystic drum. It was of trifling weight, but being loaded with charms, no one could lift it, save him to whom the ancestral spirits were inclined as the successor."³⁶

According to another talmudic legend the crown of David³⁷ possessed the mystical power of being able to distinguish between a lawful heir to the throne and an unlawful one. According to II Sam. 12.30 (= I Chron. 20.2) the golden crown taken by David from the king of Rabbath Ammon weighed one talent. The first question raised in the Talmud in connection with this verse is, how could David wear on his head such a weight? The answer given by R. Yose ben Hanina is: "A magnet was in it which lifted it up." Then follows a remark of R. Jehuda in the name of Rabh: "The crown was a testimony for the house of David: whosoever was worthy of the kingship — it fitted him; and whosoever was unworthy of the kingship — it fitted him not."³⁸ According to another source the precious stone on the crown was too heavy for a non-Davidic king, so that a king who was able to wear the crown was thereby attested as a true Davidic king.³⁹

A similar means of miraculous choice was the rod of Moses. This rod was, according to talmudic legends, in the successive possession of Adam, Enoch, Noah, Shem, Abraham, Isaac, Jacob, Joseph and Jethro. When Jethro stuck the rod in the ground, it sprouted, and the suitors of Jethro's daughters, who

³⁵ *Op. cit.* IV, 84 and notes 22, 23 in vol. VI.

³⁶ Hartland, *Ritual and Belief*, London, 1914, p. 317, as quoted in Hastings' *Encyclopedia of Religion and Ethics*, vol. X, p. 634b.

³⁷ Cf. below, p. 194.

³⁸ B. Ab. Zara 44a; B. Sanh. 21b.

³⁹ Targum to II Chron. 23.11 and to I Chron. 20.2. cf. Lag. p. XXIV; Klosterman ad II Ki. 11.12; Ginzberg, *Legends of the Jews*, VI, 359, n. 9.

had to stand the test of being able to pull it out, were all killed as soon as they touched the rod. Moses, however, uprooted the rod easily, and this rod became the one by which he wrought numerous miracles.⁴⁰

Another kind of miraculous choice by means of a rod is related in Numeri. It is the well-known story of the rod of Aaron, which alone among all the twelve rods placed in the tabernacle blossomed, thus proving in the eyes of all Israel that it was Aaron who was chosen by God to function as His priest.⁴¹ Later Jewish legend identified Aaron's rod both with the rod of Moses and with the staff of kings, "so that the blossoming of this rod proved not only the justice of Aaron's claim to the priesthood, but also established David's claim to the kingdom."⁴²

As a conclusion to the theme of the oracular choice let us point to the correspondence between the story of Saul's election and that of the revelation of Jesus as described in the Gospels. Both Samuel and John recognized the chosen person one day after the divine revelation.⁴³ When Samuel saw Saul coming to him, God said unto him: "Behold the man whom I spake to thee of! This same shall reign over my people!"⁴⁴ When John saw Jesus coming to him, he said: "Behold the Lamb of God . . . This is he of whom I said, After me cometh a man which is preferred before me . . ."⁴⁵ In the case of Saul, his public proclamation as king followed his choice by means of the oracle.⁴⁶ In the case of Jesus, his public proclamation followed his choice by means of the descent of the dove upon him.⁴⁷ It was already emphasized by Gunkel that "the descent of the dove upon Jesus serves the purpose of proclaiming him publicly as the Christ" and that this narrative is based upon the *Märchen*-motive of

⁴⁰ Ginzberg, *Legends of the Jews*, II, 291 sqq.

⁴¹ Num. 17.16-28.

⁴² Ginzberg, *Legends of the Jews*, VI, 106.

⁴³ I Sam. 9.15-16; John 1.19 sqq., 29. Cf. Matthew 3.7 sqq., 13; Mark 1.7, 9.

⁴⁴ I Sam. 9.17.

⁴⁵ John 1.29-30.

⁴⁶ I Sam. 10.20 sqq.

⁴⁷ John 1.32-33; cf. Matthew 3.16; Mark 1.10; Luke 3.22.

the choice of the new king by the descent of a bird upon him.⁴⁸ Two more coronation traits can be discerned in the baptism-story of Jesus: the entering of the Spirit into him, and his (consequent) turning into the "son of God," both of which we shall deal with in due course.

Now as to the person of king-elect, there seems to be in Africa, and to have been in ancient Israel, certain requirements concerning his physique. These requirements follow from the basic concept of the dependence of the country's and the people's welfare on the well-being of the king.⁴⁹ We shall yet have occasion to refer to the probation time of the king of Konde during which he is kept under observation "lest, being a weakling he should be a menace to the land."⁵⁰ Among the Jukun of Nigeria the king "being a god it may never be said of him that he is ill."⁵¹ As far south as among the Varozwe (a Shona tribe) "absence of bodily blemishes was considered absolutely necessary in the occupant of the throne . . ."⁵²

A reminiscence of the demand of bodily excellence in the king lingered also in ancient Israel. Of Saul we are told that "he was higher than any of the people from his shoulders and upward. And Samuel said to all the people: See ye him whom the Lord hath chosen, that there is none like him among all the people? . . ."⁵³ Again, when sent by God to the house of Jesse, Samuel believed that Eliab was the chosen one of God, on ac-

⁴⁸ Gunkel, *Das Märchen im Alten Testament*, Tübingen, 1917, p. 150. Gunkel is, however, not right in saying in connection with the choice of Saul by oracle that "the choice of kings by the lot is a feature so distant from reality that we can with certainty derive it from the Märchen," *op. cit.*, p. 147. Also Kittel, *Gesch. d. Volkes Isr.* (1925) II, 151, points to the improbability of the choice by lot. The African and other examples mentioned above show that many peoples actually practised and practise to this day the — at least apparent — choice of their kings by lots and oracles.

⁴⁹ Cf. Hocart, *Kingship*, passim.

⁵⁰ Cf. below, p. 184.

⁵¹ Meek, *A Sudanese Kingdom*, p. 127.

⁵² Rev. S. S. Doran, "The Killing of the Divine King in South Africa," *South African Journal of Science*, xv (1918), p. 397, as quoted by Seligman, *Egypt and Negro Africa*, p. 31.

⁵³ I Sam. 10.23-24.

count of "his countenance and the height of his stature."⁵⁴ And even when Samuel's first choice was repudiated by God because whereas "man looketh on the outward appearance but the Lord looketh on the heart"⁵⁵ the youngest son of Jesse who was finally chosen is again described as "ruddy and withal of a beautiful countenance."⁵⁶ Absalom the son of David and first pretendent to the throne was the most beautiful man in all Israel, and, moreover, "from the sole of his foot even to the crown of his head there was no blemish (מום) in him."⁵⁷ In the royal wedding hymn, Ps. 45, the king is addressed as follows: "Thou art the fairest of all men, grace is poured into thy lips . . ."⁵⁸ The beauty of the king was proverbial: "Thine eyes shall see the king in his beauty," we read in Isaiah.⁵⁹

When Uzziah-Azariah was smitten with leprosy he was deposed, and his son Jothan reigned in his stead.⁶⁰ Hebrew priests, who took over in post-exilic days ritual functions performed in the days of the first Temple by the kings,⁶¹ had to be of an unblemished body, for "whatsoever man that has a blemish (מום)" was not allowed to perform the priestly functions.⁶²

A further correspondence between the African kings on the one hand and the Hebrew kings and high-priests on the other, lies in the interdiction to defile themselves by coming in contact with a dead body.⁶³ According to later Jewish tradition neither kings nor high-priests were permitted to defile themselves with a dead body. If a near relative of theirs died, they had to stay within the sanctuary, respectively the royal palace.⁶⁴

⁵⁴ *Ib.* 16.6-7.

⁵⁵ *Ib.* v. 7.

⁵⁶ V. 12.

⁵⁷ II Sam. 14.25.

⁵⁸ Ps. 45.3.

⁵⁹ Isa. 33.17.

⁶⁰ II Ki. 15.5; II Chron. 26.19-21.

⁶¹ Cf. below, p. 218 sq.

⁶² Lev. 21.16-23.

⁶³ Jukun kings: Meek, *A Sudanese Kingdom*, p. 129. The king of Idah: Seligman, *Egypt and Negro Africa*, p. 47. Hebrew high priest: Lev. 21.11.

⁶⁴ According to R. Jehuda, Mishna Sanh. 2,1, 3.

III

Turning now to the installation proper we find that after Samuel announced to Saul that he would be king of Israel, he led him up to the Bamah, the high place, invited him to the chamber where some thirty persons were present, bid him to sit in "the chiefest place," and gave him to eat certain portions of a slaughtered animal.⁶⁵

The narrative as it stands seems at first glance to relate a series of chance happenings. At the time the narrative was put to writing it was, no doubt, regarded as the account of a historic event, which occurred once, and once only, in the past and consisted of a number of unpremeditated actions and exchange of words. A closer scrutiny of the context, however, is apt to make us at least suspect that Samuel, who played the active role in this scene, had planned each of his movements and actions, as well as those of Saul, in other words, had in reality performed what we shall recognize as a number of rites belonging to an installation ritual.

According to I Sam. 9.15-16 Samuel was advised by God of the coming of Saul twenty four hours in advance. Thereupon (early on the next day) Samuel betook himself to Ramah⁶⁶ and called the people to a sacrifice on the Bamah,⁶⁷ just as later he went to Bethlehem and called Jesse and his sons and the elders of the town to a sacrifice.⁶⁸ A further correspondence between the two events may be seen in the circumstance that in both cases the king-elect came late to the sacrifice, in fact he came as the last one, after the sacrificial animal had been slaughtered and prepared.⁶⁹ This repetition allows us to suppose the existence of an ancient installation ritual which opened with the following ceremony: The person who conducted the ceremony

⁶⁵ I Sam. 9.19-24.

⁶⁶ The city of Ramah was the permanent abode of Samuel. From there he set out on his annual rounds visiting a number of neighbouring places. It was on such a round that the divine announcement came to him, whereupon he immediately returned to Ramah.

⁶⁷ I Sam. 9.12.

■ *Ib.* 16.3-5.

⁶⁹ Saul: I Sam. 9.23-23; David: *ib.* 16.11.

came to the appointed place where the installation of the king was to take place. He convoked the people (or a number of persons determined beforehand) to partake of a sacrificial meal. The meal was begun before the king-elect arrived, or else the participants waited for him.

Similar to this is the procedure followed at the installation of a number of African kings. We have already seen that among the Shilluk the king-elect was not present at the election ceremony.⁷⁰ Only at a later stage does the elected king come (with or without an escort) and join the assembly of electors.⁷¹

In the case of Saul it was Samuel himself who conducted him up the hill, the Bamah, from the gate of the town,⁷² and, after the sacrificial meal, accompanied him back, down from the Bamah to the town where his house was.⁷³ To "mount a hill" is, as we have seen,⁷⁴ one of the rites in African coronation ceremonies. The size of the hill to be mounted by the king-elect varies considerably, from a veritable hillock up which he has to climb, to a small mound of sand or a white-ant hill or a rock or a stone.⁷⁵ In the Hebrew rite the Bamah seems to have been replaced later by a pillar. For in connection with the coronation of Joash we read that he "stood on the pillar as was the rule."⁷⁶ The only other occasion we hear of a king standing on the "pillar" is in connection with the covenant Josiah made after the "book of the covenant" was found in the Temple. "And the king went up into the house of the Lord and all the men of Judah and all the inhabitants of Jerusalem with him, and the priests and the prophets and all the people both small and great; and he read in their ears all the words of the book of the covenant which was found in the house of the Lord. And the king stood on the pillar⁷⁷ and made a covenant before the Lord."⁷⁸

⁷⁰ Cf. above, p. 152.

⁷¹ Seligman, *Pagan Tribes*, p. 93; Irstam, *op. cit.* 58 sq.

⁷² I Sam. 9.18-19.

⁷³ v. 25.

⁷⁴ Cf. above, p. 148.

⁷⁵ Irstam, *op. cit.*, p. 66.

⁷⁶ וַיַּעַמְד הַמֶּלֶךְ עַל הָעֶמֶד כַּמִּשְׁפָּט II Ki. 11.14. Acc. to II Chron. 23.13, this pillar was at the entrance of the temple.

⁷⁷ עַל עֶמֶד. In II Chron. 34.31: . . . וַיַּעַמְד הַמֶּלֶךְ עַל הָעֶמֶד

⁷⁸ II Ki. 23.2-3. Morgenstern, "The Mythological Background of Ps. 82," *Hebrew Union College Annual*, XIV (1939), p. 46 (note) suggests that the word

Many hundred years later we again hear of a king ascending an elevated place in the Temple: It is Archelaus the son of Herod who, seven days after his father's death "put on a white garment and went up to the Temple, where the people accosted him with acclamations. He also spoke kindly to the multitude from an elevated seat and a throne of gold . . ."⁷⁹

Of more concern to us is a mishnaic tradition relating to approximately the same period, according to which the king had an important function to fulfil on the Feast of Tabernacles every seventh year: he had to read out in public certain passages of Deuteronomy.⁸⁰ It is worthwhile to quote in full the Mishna which shows that down to the last days of the Second Temple the king retained the ritual role first assumed by Josiah, that of reading out the Torah in the Temple: "At the conclusion of the first day of the Feast [of Tabernacles], in the eighth [year], at the expiring of the seventh [year], they make him (i. e. the king) a wooden platform in the courtyard [of the Temple] and he sits on it; as it is written 'At the end of every seven years at the time' etc."⁸¹ The warden of the congregation took a Torah scroll and gave it to the head of the congregation. The head of the congregation gave it to the deputy [-priest] and the deputy [-priest] gave it to the high-priest and the high-priest gave

העמוד in II Ki. 11.14 and 23.3 was substituted "by late P editors for an original המזבח in order to escape the otherwise inevitable conclusion that in both cases the king was functioning at the altar in priestly capacity." This view is, however, contradicted by the parallel passage ויהנה המלך עומד על עמודו במבוא II Chron. 23.13: "the king stood on *his pillar* at the entering."

⁷⁹ Jos. Wars, II, 1.1. In Madagascar a new ruler mounted a sacred stone, Van Gennep, *Tabou et totémisme à Madagascar*, Paris, 1904, p. 17.

⁸⁰ Deut. 1.1-6, 9; 11.13-21; 14.22-29; 26.12-19; 17.14-20; 28.1-69, all incl.

⁸¹ Deut. 31.10. The sequel of the verse is: "at the time of the year of release (*Šmiṭṭah*, Sabbatical year) on the feast of tabernacles . . . thou shalt read this Torah before all Israel . . ." Originally the Sukkot festival was celebrated at the *end* of the year so that the Sukkot of the Sabbatical year was the closing period of the *seventh* year. After the calendar reform this Sukkot festival fell to the beginning of the eighth year as stated in the Mishna. Cf. Morgenstern, "The Three Calendars of Ancient Israel," *Hebrew Union College Annual* I (1924), p. 33.

it to the king. The king received it standing and read it sitting."⁸²

The next point we wish to consider is the "entrance dialogue and proclamation" forming among African peoples the opening of the installation ceremony.⁸³ Traces of such an initial dialogue and proclamation may be found in the words exchanged between Samuel and Saul,⁸⁴ Samuel and Jesse,⁸⁵ Ahijah and Jeroboam,⁸⁶ and the young prophet (the disciple of Elisha) and Jehu.⁸⁷ These passages may be regarded as "historicized" records of what was originally a ritual dialogue.

Now we come to the sacrificial meal itself. The scene is the chamber, or, to use the expression of Robertson Smith, the "banqueting hall for the communal sacrifice,"⁸⁸ which seems to have been a stereotype feature attached to holy places among the ancient Hebrews, Phoenicians and Greeks alike.⁸⁹ In this chamber there were assembled the men invited by Samuel, "and they were about thirty men."⁹⁰ The number thirty, though given here only approximately, may have well been the exact number of the persons invited by Samuel to witness the first sacrificial meal, the communion, of the king-elect. The numbers 30, 31 and 32 appear constantly in Hebrew tradition in connection with kingship and national or tribal leadership. According to an old Hebrew tradition the number of the petty kings of Canaan vanquished by Joshua was thirty-one.⁹¹ In David's time the thirty electors seem to have constituted a sort of

⁸² Mishna Sotah 7.8; in the sequel an incident is related which took place when king Agrippa read the Torah in conformity with this ritual.

⁸³ No. 4 of Irstam's list.

⁸⁴ I Sam. 9.18-21.

⁸⁵ Only partly recorded, I Sam. 16.4-12.

⁸⁶ Also only partly recorded, I Ki. 11.29 sqq.

⁸⁷ II Ki. 9.5 sqq.

⁸⁸ Robertson Smith, *The Religion of the Semites*³, p. 254, n. 6.

⁸⁹ As to *lishka* — λέσχη, cf. Robertson Smith, *loc. cit.* and the note of S. A. Cook on p. 587. As to the later function of the chambers, *lishakhoth*, in the temple, cf. II Ki. 23.11; Jer. 35.2; 36.12; Ez. 40.17, 45; 42.1 sqq; Mishna Middoth 2.5; 5.3 sq., Yoma 1.5 etc.

⁹⁰ כשלשים איש, I Sam. 9.22.

⁹¹ Josh. 12.9-24.

permanent council or body of chieftains around the king, known as "the mighty men of David."⁹² The "mighty men" had a special house of assembly in the "city of David," known even centuries later as "the house of the mighty men."⁹³ The context in I Chron. 11.10, even suggests that it was actually these "mighty men" who helped David in some way to become king over Israel. Thirty was only the traditional number of the "mighty men" for in reality the number varied.⁹⁴ Ben-Hadad king of Syria had "thirty-two kings who helped him."⁹⁵ These thirty-two royal "helpers" of the king of Syria are called in another place simply "thirty-two captains of chariots."⁹⁶

Moreover, it would seem that the attendance of thirty men upon the leader had been in vogue among the Hebrews already in pre-dynastic times. Of the Transjordanian judge, Jair, we read that "he had thirty sons that rode thirty ass-colts (cf. the thirty-two charioteers of Ben-Hadad!) and they had thirty cities which are called Havoth-Jair (the "farms" of Jair) unto this day, which are in the land of Gilead."⁹⁷ Again, Judge Ibzan of Bethlehem had "thirty sons,"⁹⁸ and Judge Abdon the Pirathonite had "forty sons and thirty grandsons who rode on seventy ass-colts."⁹⁹ I think we shall interpret these traditions rightly if the we take the word "sons" (בָּנִים) not in its literal sense but in the sense of followers, just as e. g. בְּנֵי נְבִיאִים means the followers of the prophets. Also an occasional group of followers consisted of thirty men,¹⁰⁰ while in the wedding ceremony in which royal state was accorded to the bride and bridegroom,¹⁰¹

⁹² הגבורים אשר לדרור, II Sam. 23.8, 13, 23, 24.

⁹³ בית הגבורים, Neh. 3.16. Cf. S. Klein, "David's Mighty Men," (in Hebrew), *Bull. of the Jewish Pal. Expl. Soc.* 1940, pp. 95 sqq.

⁹⁴ II Sam. 23.39: thirty seven. I Chron. 11.11 sqq. even more than that. Cf. also Cant. 3.7: Sixty! Cf. also I Chron. 11.15, 25; 12.4; 27.6.

⁹⁵ I Ki. 20.1, 16.

⁹⁶ I Ki. 22.31.

⁹⁷ Judg. 10.4

⁹⁸ *Ib.* 12.9.

⁹⁹ *Ib.* v. 14.

¹⁰⁰ Jer. 38.10.

¹⁰¹ Cf. Wetzstein, "Die syrische Dreschtafel," *Zeitschrift für Ethnologie*, V (1873), pp. 270 sqq.

the bridegroom was given thirty companions to be with him — at least so we find recorded in the report of the wedding of Samson.¹⁰² These companions were called "the sons of the bridal chamber."¹⁰³

In view of the evidence adduced above it will seem certain that the "about thirty men" gathered by Samuel to be present at the first installation ceremony of Saul were an official body of electors or councillors,^{103a} in conformity with the general Canaanite-Syrian, and the special Hebrew, tradition and usage.

It is difficult to determine what was the number of the officials taking part in the election and installation ceremonies in Africa. The number of persons taking part in, or being present at, a ceremony is such a minor detail that unless the attention of the observer is specially drawn to it he will in all probability omit to record it. Thus the fact that I am unable at present to give African examples as to the presence of thirty officials at the election and installation ceremonies, does by no means indicate that no such arrangement exists in Africa.¹⁰⁴

On the other hand, the unequivocal evidence of the communion received by a number of African kings in the course of the installation ceremony, makes it seem very probable that the sacrificial meal of which Saul partook is to be regarded as one of the rites of the installation ritual. To mention only one African example: "Ganda's new king spent his first night in the house Buganda on Budo hill. There *Semanobe* served him a meal consisting of a roasted goat and plantains roasted in their skins . . ."¹⁰⁵ In the case of Saul we are not told what animal was sacrificed for the "communion," but besides this we hear quite a number of instructive details. After having ushered Saul and

¹⁰² Judg. 14.10.

¹⁰³ Matthew 9.15. Though the passage is of much later date, the expression itself, *οἱ υἱοὶ τοῦ νυμφῶνος*, is but a translation of the Hebrew "בני חופה," thus again *ben* in the sense of follower, companion, as above.

^{103a} This was recognized also by Buber, *Das Kommende*, ii, p. 47. Buber is reminded by the number of the councillors of the Spartan constitution.

¹⁰⁴ Seligman, *Pagan Tribes*, p. 93, mentions that the election of the Shilluk king is, theoretically at least, in the hands of the chiefs of the ten districts into which the Shilluk territory is divided.

¹⁰⁵ Irstam, *op. cit.*, p. 64.

his servant into the "chamber," Samuel "gave them a place at the head of the invited men." Then he said to the cook: "Bring the portion which I gave thee of which I said unto thee, Set it by thee. And the cook lifted the thigh and the fat tail¹⁰⁶ and set it before Saul. And [Samuel] said, Behold that which is left! set it before thee and eat; for it has been kept for thee for this time [since I] said, I have invited the people. And Saul ate with Samuel that day."¹⁰⁷

Both pieces of the sacrificial animal which were specially kept for Saul and given to him play an important role in Hebrew sacrificial ritual. The thigh or leg (שוק), called "the thigh of the heave offering" (שוק התרומה), was the piece of "the ram of consecration" which was allotted to Aaron and his sons.¹⁰⁸ According to Leviticus it was the right leg (שוק הימין) which was given to the officiating priests.¹⁰⁹ The extensive use of the right front leg of a sacrificial animal was characteristic of the Canaanite ritual already in the 13th century B. C.¹¹⁰ According to Ex. 29.22-25, the leg together with the fat tail (אליה) and some other parts of "the ram of consecration" had to be burned upon the altar as a burnt offering. In a number of other sacrifices only the fat tail had to be burned in a similar manner.¹¹¹

The terminology used in connection with the leg and the fat tail in Exodus and in Leviticus is the same as that appearing in the narrative of Saul's installation. In the sacrificial ritual the leg is called שוק התרומה, "the leg of the heave offering;" it is

¹⁰⁶ Reading והאליה instead of והעליה of the MT, with Rabbi Johanan in B. Ab. Zarah 25a; A. Geiger, *Urschrift u. Uebersetzungen der Bibel*, Breslau, 1857, 2nd ed. Frankfurt a. M., 1928, p. 380; and the majority of modern commentators. Buber, *Das Kommende*, ii, 48, would retain a *hif'il* form of the 'alah root and compare the expression with II Ki. 17.4 where an offering (העלה מנחה) to a king is mentioned.

¹⁰⁷ I Sam. 9.22-24. V. 24 is evidently corrupt and many scholars have tried their hand at its emendation but without satisfactory results.

¹⁰⁸ Ex. 29.27.

¹⁰⁹ Lev. 7.32-34.

¹¹⁰ Albright, *From the Stone Age to Christianity*, Baltimore, 1940, pp. 179, 226.

¹¹¹ Lev. 3.9; 7.3; 8.25; 9.19. As to the modern Palestinian-Arab use of the fat tail, the *Liyeh*, cf. F. A. Klein, *ZDPV*, VI, 1883, pp. 98 sq; *ZDMG*, XX, 547 sqq.

"heaved up," (הורם) that is lifted. The right leg becomes the "portion" (מנה) of the priest who offers up the blood and the fat.¹¹² Similarly Samuel demands of the cook the "portion" (מנה) set aside for Saul, and the cook "lifts up" (וירם) the leg and the fat tail when setting them before Saul.¹¹³

Our conclusion is that the sacrificial meal partaken of by Saul was part of his installation ritual, and this contention is strengthened by the parallel offered by the Bible itself in the narrative of the consecration of Aaron, in which both the leg and fat tail of a sacrificial animal play an important part.¹¹⁴

IV

The next scene took place on a roof. After the sacrificial meal was finished, Samuel accompanied Saul down from the Bamah to the town," and he spoke to Saul on the roof."¹¹⁵ The next verse, "And they arose early and about the coming of dawn Samuel called to Saul on the roof, saying, Get up that I may send thee away . . ." implies that Saul spent the night on the roof of the house.

This may be compared to an episode told of Absalom the son of David. When Absalom usurped the kingdom in the lifetime of his father, Ahitophel, the famous counsellor of David, advised him that, in order to make his accession to the throne manifest in the eyes of the people, he should "go in unto" the few concubines of David left behind by him in the palace." So they spread Absalom a tent on the roof and Absalom went in unto his father's concubines in the sight of all Israel."¹¹⁶ That the taking possession of a king's wives was regarded as equivalent to taking possession of the kingdom, we can infer from the words of Solomon in which he refused to grant the request of

¹¹² Ex. 29.27; Lev. 7.34.

¹¹³ I Sam. 9.23-24. Jos. Ant. VI,4, 1, calls the portion set before Saul "the royal portion." The identity of the terminology in I Sam. 9.23, 24 and in Ex. 29.26 sqq., Lev. 7.32 sqq. was pointed out by Buber, *Das Kommende*, ii, 48.

¹¹⁴ Lev. 8.25. With the similarity between the priestly consecration and the royal installation we shall deal later, in § XII.

¹¹⁵ I Sam. 9.26.

¹¹⁶ II Sam. 16.20-21.

his brother Adonijah for Abishag, a concubine of David: "And why dost thou ask Abishag the Shunamite for Adonijah? ask for him the kingdom also . . ." ¹¹⁷ David himself married the widows of Saul. ¹¹⁸ In ancient Egypt it was common for the founder of a new dynasty to marry the widow of the last king. ¹¹⁹ In modern Africa, among the Jukun, this ceremonial marriage is part of the installation ritual. The king-elect sleeps two nights with a widow of the late king in a specially erected enclosure. This woman subsequently becomes head of the women of the palace. ¹²⁰

The roof was in pre-exilic days a place of sacrifice and worship ¹²¹ on which altars were erected, ¹²² while in post-exilic times the booths were erected on the roofs. ¹²³ The roofs were the place both for joy ¹²⁴ and for mourning. ¹²⁵ As in the case of Saul there was no special reason, such as in the case of the two spies in Jericho, ¹²⁶ to let him spend the night on the roof, the inference seems plausible that both Saul and Absalom spent a night on the roof in the course of their respective installation ceremonies in accordance with a rite. This inference is strengthened by the fact that the great New Year ritual of the ancient Near East — which was also the re-enthronement festival — contained a ceremonial sacred marriage which, in one case at least, was celebrated in a special room on the top of the temple building. ¹²⁷ Also to the Hittite spring-enthronement festival

¹¹⁷ I Ki. 2.22.

¹¹⁸ II Sam. 12.8.

¹¹⁹ Meek, *A Sudanese Kingdom*, p. 139.

¹²⁰ *Op. cit.*, pp. 138, 139.

¹²¹ Zeph. 1.5; Jer. 19.13; 32.29.

¹²² II Ki. 23.12. Cf. Robertson Smith, *Religion of the Semites*,³ pp. 230,

n. 4, 544, 580.

¹²³ סוכות, Neh. 8.16.

¹²⁴ Isa. 22.5.

¹²⁵ Jer. 48.38; Isa. 15.3.

¹²⁶ Josh. 2.6, 8.

¹²⁷ In Babylonia, where acc. to Herod. I, 181, the sacred marriage between Marduk and a woman was celebrated in a sacred room at the top of the ziqqurat, cf. Jastrow, *Rel. of Bab. and Ass.*, pp. 678 sq.; *id.*, "Sumerian Myths of the Beginning," *AJSL*, vol. 33, pp. 118 sq.; also Gadd in Hooke, *Myth and Ritual*, p. 56 sq. On the "bedroom" in the Mesopotamian temple cf. also Leo Oppenheim, "The Mesopotamian Temple," *The Biblical Arch.*, Sept. 1944, p. 55 and Patai, *Man and Temple in Ancient Jewish Myth and Ritual*, Edinburgh, 1947, pp. 88 sq., 141.

belonged a tent ceremony, *za-lam-gar*,¹²⁸ while in the Ras Shamra texts we hear of a ritual for the king in a roof-rite during a seven days' festival which was, according to Gaster, "part of the ritual of the winter-festival when the king was formally re-instated."¹²⁹ Moreover, certain biblical scholars hold that the "booths" which the Bible prescribed as a dwelling place for the period of the seven days of the Tabernacles, "originally represented the sacred grove in which the divine marriage was consummated."¹³⁰

The next rite, the anointing of the king-elect with oil, is the best attested among all the Hebrew installation rites. In addition to the anointing of Saul,¹³¹ we are informed of the anointing of David, Absalom, Solomon, Jehu, Joash and Joahas.¹³² The king is called the messiah (משיח), i. e. the anointed, of God. Also prophets and priests were anointed with oil,¹³³ and the chief-priest was called "anointed."¹³⁴

The origin of the use of the sacred anointing-oil has been repeatedly investigated.¹³⁵ The use of oil has certainly something to do with the belief in the vital properties of oil, fat, etc., such as its nourishing, conserving and healing powers. In the Hebrew ritual of the anointing of kings there was added to these properties the special sanctity of the oil used in the ceremony. Zadok

¹²⁸ Vieyra, "Rites de purification Hittites," *Revue de l'hist. des Religions* 119 (1939) pp. 139 sq. and literature *ib.* p. 140, n. 1. Cf. Engnell, *Studies*, p. 64. As to the role of the ritual tent in Hittite and Babylonian purification, cf. Goetze-Sturtevant, *The Hittite Ritual of Tunlawi*, Am. Or. Series, vol. 14, New Haven, 1938, p. 98.

¹²⁹ Gaster, *OLZ*, 39 (1936) col. 405; cf. *Syria*, 10 (1929) pp. 304 sqq. Endorsed by Engnell, *Studies*, p. 154, n. 2, cf. pp. 153 sq. Engnell also refers to II Sam. 16.20.

¹³⁰ Oesterley in Hooke, *Myth and Ritual*, p. 140; endorsed by Hooke, *Origins of Early Semitic Ritual*, p. 54.

¹³¹ I Sam. 10.1. Acc. to the Sept. also 11.11-15.

¹³² David: I Sam. 16.1, 13; II Sam. 2.4; 5.3. Absalom: II Sam. 19.11. Solomon: I Ki. 1.39, 45. Jehu: II Ki. 9.3, 6. Joash: II Ki. 11.12. Joahas: II Ki. 23.30.

¹³³ I Ki. 19.16; Lev. 4.5, 16; Num. 35.35; cf. Zech. 4.14.

¹³⁴ Of this later in connection with the consecration of priests.

¹³⁵ Robertson Smoth, *Religion of the Semites*,³ pp. 232 sq., and the note of Cook, *ib.* p. 582 sq., with references to literature; Crawley, *Enc. Rel. Ethics*, I, 549 sqq.

the priest, when anointing Solomon, took "the horn of oil out of the tabernacle and anointed Solomon."¹³⁶ Also David was anointed with the holy oil.¹³⁷

A talmudic tradition has it that the Hebrew kings were anointed with the oil of anointing made by Moses in the wilderness. The same oil was used also for the anointing of the tabernacle and its vessels, of Aaron and his sons, and the successive high priests. This could be accomplished with the small amount of oil prepared by Moses only thanks to a miracle of self-multiplication.¹³⁸ The anointing oil was prepared out of the following "principal spices": liquid myrrh 500 shekels, sweet cinnamon 250 shekels, sweet calamus 250 shekels, cassia 500 shekels, and one *hin* of olive oil.¹³⁹ It is interesting to note that according to one talmudic tradition only the Davidic kings were anointed, but the Israelite kings were not, while according to another tradition both in Judah and Israel only those kings were anointed who were either the founders of a new dynasty, or in whose case the succession was contested by a rival pretendent.¹⁴⁰ Talmudic tradition also tells of the exact way in which kings and priests were anointed. In the case of kings the anointing oil was applied to their heads in the form of a wreath (i. e. around the head), while in the case of priests it was applied in the form of the Greek letter X.¹⁴¹

The anointing of kings is well attested also in Africa and other places.¹⁴²

In connection with the anointing should be mentioned the baptism of the king-elect. In Africa the king-elect was baptized

¹³⁶ I Ki. 1.39.

¹³⁷ Ps. 89.21.

¹³⁸ Jer. Soṭah 22c mid.; Jer. Horayoth 47c mid.; B. Horayoth 11b; B. Ker. 5a-b.

¹³⁹ Jer. Soṭah 22c mid.; B. Ker. 5a, basing on Ex. 30.22-25.

¹⁴⁰ Jer. Soṭah 22c mid.; Jer. Horayoth 47c mid.; B. Horayoth 11b; B. Ker. 5b. This observation was repeated some fifteen hundred years later by C. R. North ("The Religious Aspects of Hebrew Kingship," *ZATW*, 50, 1932, p. 14) who, however, was not aware that he had been preceded by the Talmud.

¹⁴¹ B. Horayoth 12a; B. Kerethoth 5b.

¹⁴² Irstam, *op. cit.*, p. 57, no. 12, pp. 70; Hocart, *Kingship*, p. 71 etc.

or had to drink water ceremonially.¹⁴³ Ceremonial lustration of the Pharaoh before the coronation as well as during the ritual itself was apparently customary in ancient Egypt.¹⁴⁴ Reference to the baptism of Hebrew kings can be seen in the taking down of the king-elect to the spring of Gihon and his anointing "in Gihon."¹⁴⁵ According to talmudic tradition attached to the verse telling of Solomon's anointing in Gihon, all the kings had to be anointed at a spring, and this for a sympathetic-magical reason: "that their reign might be long drawn out" (namely like the waters of the spring).¹⁴⁶ Also Solomon's rival, Adonijah, when he wished to be acknowledged as the successor of his father, "slew sheep and oxen and fat cattle by the stone Zohaleth which is by the spring of Rogel . . ."¹⁴⁷

The rite of anointing was accompanied by a short proclamation on the part of the person performing the ceremony, and was followed by the acclamation of the king by the people. Samuel said to Saul: "Is it not that the Lord hath anointed thee to be captain over his inheritance?"¹⁴⁸ In the case of Saul, where we have a detailed description of the installation proceedings, this proclamation is distinct from the so called "entrance dialogue." In the case of other kings, more summarily dealt with, we hear only of one meeting between them and the person performing the anointing, and, consequently, the entrance dialogue is merged with the proclamation as is the case with many an African king.¹⁴⁹

That the acclamation was not a spontaneous outbreak of enthusiasm on the part of the people but a veritable rite, this we can learn from the instructions given by David to Zadok the priest, Nathan the prophet and Benaiah, as to the performance of the coronation of Solomon: ". . . and let Zadok the priest and

¹⁴³ Irstam, *op. cit.*, p. 56, point 8, pp. 64 sqq. Meek, *Sudanese Kingdom*, p. 136.

¹⁴⁴ Cf. Breasted, *Ancient Records*, II, 222 and 99.

¹⁴⁵ בְּנַחֲוֹן, I Ki. 1.45, cf. vv. 33, 38. As to the spring Gihon cf. II Chron. 32.30; 33.14.

¹⁴⁶ Tos. Sanh. 4.10; Jer. Sotah 22c mid.; Jer. Horayoth 47c mid.; B. Horayoth 12a; B. Kerethoth 5b. Cf. Patai, *Hamayim*, Tel Aviv, 1936, p. 11.

¹⁴⁷ I Ki. 1.9.

¹⁴⁸ I Sam. 10.1.

¹⁴⁹ Cf. Irstam, *op. cit.*, pp. 58-60.

Nathan the prophet anoint him there king over Israel, and blow ye with the trumpet and say, [Long] live king Solomon!" The old king's instructions were carried out to the letter. Only one significant difference can be noted in the narrative relating the actual ceremony when compared with David's instructions: it was not only the servants of the king, but "all the people" who acclaimed, "[Long] live king Solomon!"¹⁵⁰ The same acclamation, [Long] live king so and so! is repeatedly reported, first of all in connection with the coronation of Saul, then with that of Adonijah, Absalom, and Joash.¹⁵¹ It should be noted that this form of acclamation became also the usual way of greeting a king.¹⁵²

It has already been noted by Hocart that the entering of the spirit of God into the newly anointed king,¹⁵³ in consequence of which he "turns into another man,"¹⁵⁴ closely corresponds to other peoples' ceremonies which symbolize the death and rebirth of the king.¹⁵⁵ According to Hocart the general theory of the installation ritual is that "the king (1) dies; (2) is reborn, (3) as a god."¹⁵⁶ Traces of the existence of this theory in the Hebrew installation ritual can be found in Psalm 2, which puts the following words in the mouth of God: "I have set up my king upon Zion, my sacred mountain." This statement is answered by the king: "I will declare the statute(?), the Lord hath said unto me, Thou art my son, this day have I born thee . . ."¹⁵⁷ To quote only one African example in which the rebirth of the king on the day of his enthronement, referred to in this Psalm, is most strikingly enacted, let us mention the following detail from the coronation ceremonies of the Atah (the king) of Idah, a state lying in the angle formed by the Niger and the Benue. "Two officers, the Onobe Ogbo," the oldest man in the world,"

¹⁵⁰ I Ki. 1.34, 39.

¹⁵¹ Saul: I Sam. 10.24. Absalom: II Sam. 16.16. Adonijah: I Ki. 1.25. Joash: II Ki. 11.12; II Chron. 23.11.

¹⁵² E. g. I Ki. 1.31.

¹⁵³ Saul: I Sam. 10.6, 9. David: I Sam. 16.13.

¹⁵⁴ Saul: I Sam. 10.6, cf. v. 9.

¹⁵⁵ Hocart, *Kingship*, p. 86.

¹⁵⁶ *Op. cit.*, p. 70.

¹⁵⁷ Ps. 2.6-7. In Hebrew "ילדתי", i. e. begotten, fathered, but lit. born.

and the Oneda, the "birth giver," sport together as man and wife; then the Oneda mimics child-birth, and after a diviner has prophesied that the child will be "a boy . . . lord of the earth," the Atah appears from beneath the skirts of the Onede . . ."¹⁵⁸ While noting the parallelism between the African enactment and the Hebrew reference, one must not lose sight of the difference between the African king's ritual rebirth by a court-official, and the Hebrew kings rebirth by God. Though, also in the African installation rite the theory seems to be that the king is "reborn as a son of the gods."¹⁵⁹

As to the ancient Hebrew concept that the Davidic king is the son of God, there is ample evidence to this effect also in addition to Ps. 2, in the Psalter and in other biblical writings.¹⁶⁰ According to later Jewish tradition the king becomes on the day of his coronation "like a one year old babe who has not known the taste of sin,"¹⁶¹ while the concept that the spirit of God enters into the anointed one so that he becomes the son of God, reappears in the Gospels in the baptism-story of Jesus.¹⁶²

To refer once more to Psalm 2, it would be tempting to relate also the closing verses of this Psalm to the coronation ritual and by retaining the Massoretic Text of v. 12, translate it, "Kiss the son," i. e. the king-elect who on the day of his coronation became the new-born son of God.¹⁶³ This would be in accordance with the narrative of the installation of Saul where we read, "Then Samuel took a vial of oil and poured it upon his (Saul's)

¹⁵⁸ Seligman, *Egypt and Negro Africa*, p. 44, basing on accounts of Miles Clifford (unpublished) and R. S. Seton, "Installation of an Attah of Idah," *Journal of the Royal Anthropol. Inst.*, 48 (1928), pp. 255 sqq.

¹⁵⁹ Meek, *Sudanese Kingdom*, p. 137.

¹⁶⁰ E. g., II Sam. 7.14; I Chron. 17.13; Ps. 89.27-28. Cf. Aubrey R. Johnson, "The Role of the King in the Jerus. Cultus," in *The Labyrinth*, ed. S. H. Hooke, pp. 78 sqq., 108 sqq. As to the father-son concept in ancient Canaan, cf. John Hastings Patton, *Canaanite Parallels in the Book of Psalms*, Baltimore, 1944, p. 15. As to the divinity of Hebrew kings, cf. North, *ZATW*, 50 (1932) pp. 21 sqq.

¹⁶¹ Midrash Samuel, 17. Cf. B. Yoma 22b; Jer. Bikkurim 65d top.

¹⁶² John 1.32-34; Matthew 3.16-17; Mark 1.10-11; Luke 3.21-22.

¹⁶³ v. 7. The reference to v. 7 was already made by Ibn Ezra *ad loc.* who also mentions that among some peoples of the world, such as the Indians, it is customary to salute the king by kissing him.

head and kissed him . . ."¹⁶⁴ In the Babylonian New Year-reenthronement festival a ritual kissing of a person and of objects was one of the regular rites.¹⁶⁵

V

Before going on with our investigations into the installation ritual performed in connection with Saul, we shall have to make an attempt to establish the proper order of the passages contained in I Sam. 10-13. That the present sequence of the narrative is out of order will be evident at first sight. It is impossible, to mention only one of the numerous difficulties, that all the events related in 10.10-13.7 should have taken place within seven days as indicated by 10.8 and 13.8. This and other incongruities in the Massoretic Text have induced biblical scholars to put forward a great number of proposals as to the reconstruction of the original form of the narrative. It is not up to us to view or recapitulate all that has been said in this connection; let us mention only that one of the favourite methods of eliminating such difficulties is to try to discern in the present MT the traces of heterogenous sources. The majority of biblical scholars finds two parallel versions in the narrative,¹⁶⁶ others discern three,¹⁶⁷ and again others — four or even five.¹⁶⁸

¹⁶⁴ I Sam. 10.1. We know from I Ki. 19.18 and Hos. 13.2 that kissing was also a form of Baal worship, though, naturally, it can also be an expression of filial devotion, cf. Gen. 27.26. Cf. also Buber, *Das Kommende*, ii, p. 157, n. 35: "Der Kuss ist hier . . . eine sakrale Gebärde des machtübergelenden Menschen."

¹⁶⁵ Cf. Langdon, *The Mythology of All Races*, vol. V. *Semitic*, Boston, 1931, pp. 320-21.

¹⁶⁶ Błeek-Wellhausen, *Einkl. i. d. AT*⁴ (1878), § 104; Cornill, *Zeitschr. f. kirchl. Wiss. u. kirchl. Leben*, 1885, pp. 114 sqq.; Kuenen, *Hist.-krit. Einkl. i. d. BB d. AT*, 1887, § 21, 7; Budden, *Die B. Richter u. Sam.* 1890, pp. 169 sqq.; Wellhausen, *Die Comp. d. Hex.*,³ 1899, pp. 240 sqq.; Kittel, *Gesch.*³ (1917), II, 26 sqq. and the commentaries.

¹⁶⁷ Ch. Bruston, *Revue de théol. et de phil.*, Lausanne, 1885, pp. 511 sqq.; Kittel in Kautzsch, *Die heil. Schr. d. AT*,⁴ 1922, *ad loc.*, E. Montet, *Hist. d. Peuple d'Isr.*, Paris, 1926, pp. 70 sq.; Lods, "Les sources des récits du premier livre de Samuel sur l'institution de la royauté," *Études de théol. et d'hist.*, Paris, 1901, pp. 257 sqq.; *id.*, *Israël*, Paris, 1932, pp. 408 sqq.; R. Press, *ZATW*, 56 (1938), pp. 177-225.

¹⁶⁸ Ivar Hylander, *Der literarische Samuel-Saul-Komplex*, Uppsala, 1932,

We need not go as far as any one of these scholars, and will be able to content ourselves with applying to the chapters in question the principle of the famous talmudic sage of the second century A. D., Rabbi Meir, "There is no time sequence in the Bible,"¹⁶⁹ which means that there is no need to accept the sequence of the narrative in the MT as being chronologically exact. We would, therefore, tentatively suggest the following time-sequence which would seem to follow logically from the interrelation of the different scenes described in chapters 10-13.

When the people saw that Nahash king of Ammon made preparations to attack them, they applied to Samuel for a king.¹⁷⁰ Samuel, first reluctant, finally complied with their wish and anointed Saul to be king over Israel.¹⁷¹ On the same day¹⁷² three signs came to Saul as foretold by Samuel.¹⁷³ When Saul was thus convinced of his calling, he returned to the Bamah, to Samuel,¹⁷⁴ whereupon, probably the following day, his public installation took place in nearby Mizpah where Samuel's and the thirty electors' choice was confirmed by the choice of the oracle.¹⁷⁵ At the end of this ceremony Samuel sent the people home (v. 25) and ordered Saul to meet him seven days later in the Gilgal (v. 8). Saul was ridiculed by some people (v. 27), just as he had been a day earlier when he joined the group of prophets (v. 11). But again, as on the previous occasions, he bore the derision patiently,¹⁷⁶ and retired to his house in Gibeah together

passim, esp. pp. 309 sqq. Otto Thenius, *Die Bücher Sam.*,² 1864, pp. XI sqq., W. A. Irwin, "Samuel and the Rise of the Monarchy," *AJS*, 58 (1941), p. 121.

¹⁶⁹ אין מוקדם ומאוחר בחורה, Jer. Sotah 22d mid.

¹⁷⁰ I Sam. 12.12.

¹⁷¹ I Sam. 10.1.

¹⁷² V. 9. As to the date of the event cf. Morgenstern, "The New Year of Kings," *Gaster Anniversary Volume*, pp. 439 sqq.; *id.*, "The Mythological Background of Ps. 82," *HUCA*, XIV (1939), pp. 44 sq., note, where it is argued that the anointing of Saul, similarly to the installation of kings in general, was performed on New Year's day.

¹⁷³ vv. 2-9.

¹⁷⁴ v. 13 במה = הבהמה in 9.12, 13, 14, 19, 25.

¹⁷⁵ I Sam. 10.17-25.

¹⁷⁶ I Sam. 10.27: ויהי כמחריש = but he bore silently. המחריש is used many times in the Bible in the sense of "bearing something silently, patiently, cf. e. g., Ps. 50.21; Gen. 24.21; II Sam. 19.11, etc.

with a small band of men who joined him immediately after his public election (v. 26).

In the meantime Nahash king of Ammon started his campaign, and he "encamped against Jabesh-Gilead" (11.1). Now it was up to Saul to show that he was able to perform the task for which he had been chosen king of Israel, namely the defeat of Ammon. The elders of Jabesh-Gilead asked Nahash for a seven days' respite which was granted to them,¹⁷⁷ and sent messengers to Gibeah, to Saul (11.4). When hearing the message, Saul became possessed of the spirit of God — the first indication of the success with which his campaign would be crowned — he rallied the people and next day he destroyed the Ammonite army (11.1-11). Now that Saul had proved his mettle, his kingship could be confirmed, made definitive (v. 14). The people now proposed to Saul¹⁷⁸ to kill those who said "Shall Saul reign over us?" (cf. 10.27), but Saul answered to them: "No man shall be put to death this day . . ." (vv. 12-13) Saul, now confident in his strength and success, proposed to go to Gilgal in order to "renew the kingship" (v. 14), whereupon "all the people went to Gilgal and they made there Saul king before the Lord in Gilgal, and they sacrificed there *shelamim* sacrifices before the Lord and Saul and all the men of Israel rejoiced there greatly." (v. 15).

It is this scene in Gilgal which is described in more detail in 13.7-15. Saul was still in Gilgal and all the people, namely those who were not taking part in the battle of Jabesh-Gilead, came quickly there after him (v. 7).¹⁷⁹ Saul waited until the seven-days' term set by Samuel expired,¹⁸⁰ and when Samuel did not

¹⁷⁷ As to the problematical points in this part of the story, see below.

¹⁷⁸ In v. 12 instead of "Samuel" one ought apparently to read "Saul." It must be Saul whom the people address, as it is he who answers them. Similarly in v. 14 again "Saul" has apparently to be read instead of "Samuel." This would seem to be confirmed by v. 15 in which only the people and Saul are mentioned. Thus the picture becomes clear, and Samuel has no place in it. It is Saul alone, victoriously returning from his first battle, who calls the people — in accordance, however, with the previously issued directives of Samuel (10.8) — to Gilgal to confirm him in his kingship.

¹⁷⁹ חָרַר in the sense of coming quickly to somebody or after somebody, in I Sam. 16.4; 21.2.

¹⁸⁰ This would seem to be the sense of v. 8 which is defective in the MT.

arrive and Saul saw that the people got tired of waiting and began to disperse, he ordered the burnt offering and the *shelamim* to be brought before him and performed the sacrificial rite himself (vv. 8-9).¹⁸¹ Now only, after both sets of offerings ordered by Samuel seven days earlier were carried out in his absence, did Samuel appear on the scene, and there followed the humiliation of the young king on the very day of his first triumph.¹⁸²

VI

It is to this point that we need at present follow the traditional history of Saul, and after having thus established an approximate chronological order of the events, we may now continue the analysis of the Hebrew royal installation ritual as reflected in this narrative.

Samuel, then, after having anointed and kissed Saul, instructed him to make a round in the countryside that three signs might come to pass which would convince Saul of his being the chosen one of God. Saul had to go to three holy places: to the grave of Rahel, the mother of his tribe (Benjamin), to the tere-

¹⁸¹ It may be argued also from a comparison of the advice of Samuel, 10.8, with the above passages, that 11.15 and 13.7b-15 belong together. In 10.8 Samuel ordered Saul to go down before him to Gilgal and to wait there for him seven days, "and behold I will come down unto thee to offer burnt offerings [and] to sacrifice *shelamim* sacrifices." We have here a double set of offerings: *oloth*, burnt offerings, and *shelamim*, "peace-offerings." Now, in 11.15 we are told of the performance of one part only of this order: the sacrificing of the *shelamim*, presumably by Saul; while in 13.9-10, though Saul commands both the *olah* and the *shelamim* to be brought before him, he offers only the *olah*. To complete the narrative, 11.15 should, therefore, be merged into 13.9-10.

¹⁸² Through the taking out of vv. 7b-15 from their present context in ch. 13, the remainder of the ch. becomes more compact and uniform. Moreover, a hitherto puzzling contradiction within the MT is thus eliminated: acc. to vv. 7b-15 Saul is in Gilgal, but already acc. to v. 16 he and his son Jonathan "abode in Geba Benjamin." That 10.8 and 13.7-15 cannot originally have belonged to their present context was recognized already by Wellhausen, *Proleg.*⁶, 1905, pp. 254 sq.; *Die Comp. d. Hex.*³ 1899, pp. 245 sq., though he, naturally, drew quite different conclusions from this finding. Incidentally, already David Kimchi recognized that 10.8 does not stand in its proper place, cf. ReDaK, *ad loc.*

birth of Tabor, and to the Gibeah (the hill) of God (10.2-5). At each place a certain event occurred exactly as foretold by Samuel. The events showed a progressive importance:^{182a} the first one was a simple encounter with two people known to Saul, probably servants of his father, who told him that the lost asses had been found; in the second three unknown people showed him kingly honour;¹⁸³ and in the third, in the encounter with the group of prophets, Saul himself turned "into another man." Without entering into a discussion of the exact significance of these signs, let us only note one thing, namely that the newly appointed king went round in his country, as he again did at a later time: "Saul came to the Carmel¹⁸⁴ and, behold, he set him up a monument and is gone about and passed on and gone down to Gilgal."¹⁸⁵ This second round was made by Saul at the close of his victorious battle with Amalek, and was followed by an encounter in the Gilgal between him and Samuel in many details similar to their first meeting at the same place. But of this later.

This double round made by Saul may be compared to point 26 in the installation ceremonies of African kings. "After the coronation the king travelled round his domains and received homage,"¹⁸⁶ or to the corresponding point in the coronation ceremony as established by Hocart: "At the conclusion of the ceremonies he goes the round of his dominions and receives the homage of the vassals."¹⁸⁷ It should be noted that although in

^{182a} So already Ewald, *Gesch. d. Volkes Israel*, III³, Göttingen, 1866, p. 30.

¹⁸³ As to the bread, cf. Gen. 14.18. Cf. Hylander, *Der lit. Samuel-Saul-Komplex*, p. 137. Erwin R. Goodenough, "Kingship in Early Israel," *JBL* 48 (1929), p. 186, remarks in connection with the two loaves given to Saul that "apparently this was to represent the divine nourishment of kings."

¹⁸⁴ A place in Judah, cf. Josh. 15.55, today El-Kurmul, some 13 kilometres south of Hebron. Cf. the commentaries of Nowack, Schulz, etc. *ad loc.*

¹⁸⁵ I Sam. 15.12. As to the yad, cf. below.

¹⁸⁶ Irstam, *op. cit.* p. 56, 72. In Dahomey, after the enstoolment of a new king was achieved, he made a tour of the grounds within the palace walls, cf. M. J. Herskovits, *Dahomey*, New York, 1938, ii, 72. The book "Dahomey" was available neither in Palestine nor in America, and Professor Herskovits kindly lent me his spare copy, for which I wish to express to him my sincerest thanks.

¹⁸⁷ Hocart, *Kingship*, p. 71.

its schematized form both Hocart and, after him,IRSTAM, speak of the round as made after the coronation or at its close, in fact there exist wide variations in the performance of this rite. Thus — again to confine our examples to Africa — among the Umundri the king made a tour of his domain both at the beginning and at the end of the coronation ceremonies.¹⁸⁸ This closely corresponds to the two rounds of Saul as discerned above.¹⁸⁹

Among other African peoples this rite took on a form which parallels a Hebrew coronation rite recorded not in connection with Saul but with later Hebrew kings. Among the Igara the king rode three times round a small circular hut.¹⁹⁰ In Abyssinia and among the Jukun the king rode around receiving the people's homage.¹⁹¹ When Solomon was crowned "they have caused him to ride upon the king's mule."¹⁹² According to Jeremiah the kings are "riding in chariots and on horses,"¹⁹³ while in post-exilic days the prophet Zechariah thus describes the triumphal procession of the king: "Rejoice greatly, O daughter of Zion, shout, O daughter of Jerusalem, behold thy king cometh unto thee; he is just and having salvation, lowly and riding upon an ass and upon a colt the foal of an ass."¹⁹⁴ Thus we see that the riding upon a colt which we discerned as a sign of rulership in the days of the Judges,¹⁹⁵ remained a symbol of kingship down to post-exilic days, and thence right down to the times of Jesus. In talmudic literature the usual mount associated with kings is again the horse.¹⁹⁶

Before resuming the discussion of the Hebrew coronation rites in their chronological order, a few words should be said

¹⁸⁸IRSTAM, *op. cit.*, p. 72.

¹⁸⁹Let us mention only in passing that Samuel himself made an annual round to Bethel, Gilgal, and Mizpah, while his permanent house was at Ramah, I Sam. 7.16. Cf. Garstang, *The Heritage of Solomon*, London, 1934, p. 288.

¹⁹⁰Seligman, *Egypt and Negro Africa*, p. 46.

¹⁹¹IRSTAM, *op. cit.*, p. 72; Meek, *Sudanese Kingdom*, pp. 137, 138.

¹⁹²I. Ki. 1.44.

¹⁹³Jer. 17.25.

¹⁹⁴Zech. 9.9.

¹⁹⁵Cf. above, p. 161.

¹⁹⁶Siphre Deut. 17.15; B. Sanh. chapter 2.

about the "pillar" or "monument" (יָד) which Saul set up for himself in Carmel.¹⁹⁷ In the present state of the narrative it is difficult to determine whether the round made by Saul in his domain after his victory over Amalek and the feast held by him subsequently in the Gilgal,¹⁹⁸ may be regarded as belonging to the installation rites proper, or not. We know, however, from the investigations of Hocart that "a king may be consecrated several times, going up each time one step in the scale of kingship."¹⁹⁹ Such repeated consecrations may even assume more or less fixed forms, as was the case in Egypt where the periodic jubilee festival, the Sed-festival, was performed with a view to the rejuvenation of the ageing king.²⁰⁰ The Sed-festival was not the only feast of this kind in ancient Egypt. At Edfu an annual religious drama was performed professedly in commemoration of Horus' wars with Seth, his final victory; his coronation as king of a united Egypt, the dismemberment of his foe, and his "triumph" or "justification" before the tribunal of the gods; but indeed in order to make the reigning king victorious over his foes, to secure him a prosperous reign, and obtain for him the same "triumph" as was won by his divine prototype.²⁰¹

To return now to Saul, the numerous parallel details between Saul's second feast in Gilgal and the first one,²⁰² show that we have to do here with a repetitive coronation or rejuvenation festival not unlike, in character and intent, the Egyptian festivals

¹⁹⁷ I Sam. 15.12. Cf. *Yad Abšalom*, II Sam. 18.18. The expression is, however, ambiguous, cf. I Chron. 18.3: לִהְיוֹת יָדוֹ, to set up his rule, — II Sam. 8.3: לְהָשִׁיב יָדוֹ to recover his rule. In connection with the significance of the Gilgal, Erwin R. Goodenough "Kingship in Early Israel," *JBL*, 48 (1929), p. 186 suggests "that the twelve stones which Joshua had piled up there after the crossing of the Jordan (Josh. 4.20) may have been in the form of a pillar or column and that here is another association of the king with a pillar."

¹⁹⁸ I Sam. 15.1 sqq.

¹⁹⁹ Hocart, *Kingship*, p. 71, point Z.

²⁰⁰ Blackman, "Myth and Ritual in Ancient Egypt," in Hook, *Myth and Ritual*, p. 22; Hocart, *Kingship*, pp. 83 sqq.; Seligman, *Egypt and Negro Africa*, pp. 15, 52; Engnell, *Studies*, pp. 5, 10 sq., 64, 200.

²⁰¹ A. W. Blackman and H. W. Fairman, "The Myth of Horus at Edfu II," *The Journal of Egyptian Archaeology*, 28 (1942), pp. 32, 37.

²⁰² I Sam. 15 and 11.14-15; 13.7b-15.

mentioned above.²⁰³ If this be so, one may perhaps be permitted to compare the erection of the *yad* by Saul previous to his festival in Gilgal with the raising of the *Dd* column which was "a ceremony closely associated with the Sed-festival and performed on the eve of that celebration by the king . . ." ²⁰⁴ Let us add to this that in Africa the original version of this ceremony has been preserved to this day, inasmuch as the African kings do not set up columns in the course of their coronation ceremony but plant a tree, their own life-tree.²⁰⁵ The life-tree in Africa, it is believed, is of ancient Near Eastern origin.²⁰⁶

The main point in the next scene, the identification of the chosen king by the oracle, has already been discussed above.²⁰⁷ We saw that the choice of the king by public oracle after his election has been agreed upon by the electors is a not uncommon procedure in Africa. African parallels enable us to interpret also I Sam. 10.21-23 as a rite. There we read: . . . and Saul the son of Kish was taken [by the oracle] and they sought him but he could not be found. Therefore they enquired of the Lord further: will [the] man still come thither? And the Lord said: Behold, he hath hid himself among the stuff. And they ran and fetched him thence, and he stood among the people and he was higher than any of the people from his shoulders and upward."²⁰⁸

²⁰³ Morgenstern has shown that the Hebrew kings in pre-exilic times functioned as the chief-priests of their nation in the central sanctuary once each year, on New Year's day. Cf. Morgenstern, "A Chapter in the History of High-Priesthood," *AJSL*, 55 (1938), pp. 5 sqq. As this functioning was the first time fulfilled by the king in the course of his installation ritual, cf. above, p. 174, note 181, the New Year's officiation in itself constitutes an annual repetition of a part, probably a very important part, of the installation ritual.

²⁰⁴ Blackman in Hooke, *Myth and Ritual*, p. 22, cf. pp. 20 sqq.

²⁰⁵IRSTAM, *op. cit.*, p. 22, 68.

²⁰⁶IRSTAM, *op. cit.*, p. 193; Engnell, *op. cit.*, pp. 25 sq.; Hooke, *Origins*, p. 14.

²⁰⁷ pp. 149 sqq.

²⁰⁸ The traditional interpretation of this passage namely that Saul hid himself out of modesty, cf. Rashi, Kimchi, Metzudat David, *ad loc.*, does not seem convincing at all in view of the preceding and following events, cf. chs. 9-10, 13, and 10.23b-11, which show Saul as a man of strong character, quick decision, and self confidence.

With this narrative we may compare the following account given by Meek on the installation of a chief among the Fali of Wuba district in Northern Nigeria: "After an interval of a year the chief's successor is chosen by the official known as the Mazu, who ties a turban round the new chief's head, and then takes him to his own house for a period of five nights. The sixth night is spent in the house of another official, and the seventh in the house of a third. In the early morning of the eighth day this third official takes the chief out to the bush where he leaves him. Returning himself to the town he shouts out: "My slave has run away, and is lost in the bush." At this all the male members of the community seize their arms and set off to search the bush. When they find the new chief they bring him back with acclamations. This custom," continues Meek, "is paralleled among the Jukun; for at a certain stage of his chieftainship the Jukun king has to undergo rites in the course of which he is lost in the bush and found again by his people . . ." ²⁰⁹ These African ceremonies, which resemble the Hebrew installation rites in more than one point, make it, I believe, probable that Saul's hiding and subsequent being found and fetched by the people was not a chance happening but a rite.

The same can be stated as to the frequent admonitions directed by Samuel both to Saul and to the people, and the subsequent promises on their part. ²¹⁰ In the Hebrew installation rites the admonition was at times administered by a prophet, ²¹¹ at times by the people, ²¹² at times by God, ²¹³ or even by the king's predecessor. ²¹⁴ The admonition was at times included in a covenant. ²¹⁵

As to the contents of the admonitions, they were intended to impress upon the new king the necessity of keeping the laws, ²¹⁶

²⁰⁹ Meek, *Tribal Studies*, I, 302; cf. *id.*, *Sudanese Kingdom*, p. 140.

²¹⁰ I Sam. 8.11-21; 10.7-8, 18-19, 24-25; 12.1-25; 13.13-14; 15.1-3, 17-30.

²¹¹ Ahija-Jeroboam; I Ki. 11.38 sq.

²¹² David: II Sam. 5.1-2. Rehoboam: I Ki. 12.3 sqq.

²¹³ Solomon: I Ki. 9.2 sqq.

²¹⁴ David-Solomon: I Ki. 2.1 sqq.

²¹⁵ David: II Sam. 5.3. Joash: II Ki. 11.17.

²¹⁶ I Ki. 2.1 sqq.; 9.4; 11.38 sq.

of ruling in a just manner,^{216a} and of conducting victorious campaigns against the enemies of the people.^{216b} With this we may compare the African admonitions and promises which were practically the same everywhere.^{216c} In Dahomey two officials conducted the king after his enstoolment into a building, where they showed him sacks filled with pebbles which represented the population of Dahomey. For every succeeding king there was a separate chamber containing such sacks. "As the two old men led their royal master through the rooms, they pointed out how the size of the sacks for each reign was greater than those which represented the population of Dahomey during the preceding King's tenure. They recounted to him the conquests of each of his ancestors, and impressed him with the manner in which these had increased the number of people in the kingdom. When they reached the room which contained the sacks of pebbles that represented the population of Dahomey during the reign of his father, the two elders said to the new King: "Young man, kneel!" and as he knelt there, they continued, "Young man, all your life you have heard 'Dahomey, Dahomey,' but you have never until today seen the true Dahomey; for Dahomey is its people, and here they are." Then, . . . they said, ". . . You must never allow the contents of these sacks to diminish; you must see to it that these pebbles increase in number. . . . Every year we will come here with you to count the pebbles, and to see if you have increased the number, or reduced it. Young man, rise! We did not give you this thought to discourage you!" They gave him a very old gun — tradition has it that in the time of Hwegbadja they gave him a hoe-handle, the weapon with which the Dahomeans are said to have fought in early times — and said, "Fight with this. But take care, that you are not vanquished." Then they sang for him songs which might not be sung outside this place and told him to meet them there again the following year."^{216d}

^{216a} I Ki. 12.3, sqq.

^{216b} II Sam. 15.1-3, 17 sqq.

^{216c} Irstam, *op. cit.* p. 56, point 11, p. 68; Hocart, *Kingship*, p. 71, point F: "The king is admonished to rule justly and promises to do so."

^{216d} M. J. Herskovits, *Dahomey*, New York, 1938, vol. ii, p. 73.

As we see, the admonition of the king was in this case accompanied by his humiliation; while the repetition of this rite year after year may be compared to the annual humiliation of the king which was part and parcel of the ancient Near Eastern New Year ritual.^{216e}

In connection with the scene in Mizpah we are told that "the sons of Belial [i. e. the good-for-nothings] said: How shall this one [i. e. Saul] help us? And they despised him and brought him no presents. But he held his peace."²¹⁷ Though this passage looks very much like a genuine piece of historical tradition, comparison with Africa makes us again suspect that we have here a misrepresented or misunderstood ("historicized") record of another installation rite. In addition to Dahomey, the humiliation of the king figures among the installation rites of several other African peoples. "Among the Shilluk, "to quote Irstam, "the new king had to be prepared during a certain period before the actual coronation to be treated very badly by the people. He was obliged patiently to tolerate²¹⁸ everything — practical joking, sneers and derision. This was to teach him humility. Among the Kpelle everyone had the right on the day of the coronation, before the coronation, to throw stones at the new king, indeed, to give expression in general to repugnance towards him. The intention here was (according to Westermann) to get at the evil spirits that might conceivably exist in the king's body and drive them out before he received the good spirits of his predecessor. Among the Pangwe similar ceremonies were performed."²¹⁹

Our "ritualistic" interpretation of the incident between Saul and the "sons of Belial" would seem to be confirmed by a parallel contained in the story of David. When David fled before his son Absalom, a man from the house of Saul, Shimei

^{216e} Cf. below, pp. 202 sqq.

²¹⁷ I Sam. 10.27. Cf. above note 176, and below, p. 221 on the similar silent bearing of Aaron.

²¹⁸ Cf. "ויהי כמחרש", the emendation of which acc. to the Sept. and Jos. Ant. VI, 5, 1, into כמחרש ויהי "and it happened after about a month" thus becoming unnecessary.

²¹⁹ Irstam, *op. cit.*, p. 74.

ben Gera by name, came forth, cursed David and cast stones and dust at him and at his servants, and called David "a man of Belial" — and all this the presence of the "mighty men" of David notwithstanding. When Abishai ben Zeruyah, one of these "mighty men," offered David to kill Shimei, David did not let him do so, saying that it was God's will that Shimei should curse him and that "God will requite him good for his cursing this day."²²⁰ The behaviour of David is here exactly the same as that of Saul towards those who derided him. Also the occurrence of the name "Belial" in both cases may be significant.

Now some time later, when David returned from Transjordan, after he had defeated Absalom, he was met by the people of Judah at Gilgal,²²¹ the traditional place of coronation, and there a sort of reinstallation of David in his reign took place.²²² Again Shimei appears on the scene now downcast and asking for the forgiveness of David. Again Abishai offers to the king to kill Shimei, and again David refuses to grant him this permission, saying: "What have I to do with you, ye sons of Zeruyah, that ye should this day be adversaries (לשטן) unto me? shall there any man be put to death this day in Israel?"²²³ These are almost verbally the words said by Saul, when after his return from his victorious battle against Nahash, the people proposed to him to kill those who had ridiculed him. Saul had answered: "There shall not be a man put to death this day."²²⁴

VII

We now come to the instruction given by Samuel to Saul, according to which Saul should wait seven days until Samuel would come to him to Gilgal.²²⁵ Later we are told that Saul

²²⁰ II Sam. 16.5-13.

²²¹ II Sam. 19.15-16.

²²² Cf. v. 23. Cf. also the re-installation of Saul in the Gilgal, below, p. 199.

²²³ II Sam. 19.23, cf. vv. 16-24.

²²⁴ I Sam. 11.13. In the original Hebrew the similarity of the two sayings is still greater. Saul said: "לא יומת איש ביום הזה." David said: 'היום יומת איש, בישראל.' As to the final fate of the men who derided Saul, cf. below, p. 202. Shimei was killed by Solomon at the express advice of David, I Ki. 2.8, 36-46.

²²⁵ I Sam. 10.8.

followed these instructions literally (13.8). According to our reconstruction of the original order of events, Samuel must have issued these instructions at the end of the ceremonies at Mizpah, when he "sent all the people away, every man to his house" (10.25) and when "also Saul went home to Gibeah" (v. 26). It was at this juncture, when one series of rites had been completed and everyone repaired home, that it was appropriate to issue instructions as to the time when the ceremonies should be resumed.

The wording of Samuel's instructions in their present form is far from being clear. For though Saul is bidden to wait in Gilgal seven days, it is not stated from what date the counting of these seven days should be commenced. The seven days cannot be meant from the date on which the instructions were given in Mizpah, for it is expressly stated that after the ceremonies in Mizpah Saul repaired to his home. Any other date as the beginning of the counting of the seven days would, however, require to be explicitly stated. As no such statement is contained in the context, we are led to the conclusion that the seven days were indeed to be counted from the day on which the instructions were given, but their intention was not that Saul should spend all the seven days in waiting, but that he should be in Gilgal in seven days' time, and then, on the seventh day, wait until Samuel himself should arrive. We do not intend to propose a revised reading of 10.8 and 13.8 to make them express this meaning — though this could easily be done — as we do not think the MT to be a corrupt version of an older, correct, text. What we believe is that the MT is based on an oral version which itself did no longer understand the full implication of the orally traditioned original passage. Be this as it may, it seems quite clear that Samuel ordered a week's interruption in the installation ceremonies, which week, thus at least it seems to us, he intended Saul to spend in his home²²⁶ in the company of a few persons "whose hearts God had touched."

In the African installation ceremonies it is a regular feature

²²⁶ 10.26, perhaps his new home, as previously we only hear of Saul as living in the house of his father, 9.1-3.

that "the king goes into retirement for a certain period,"²²⁷ this period being more often seven days than any other number of days, weeks or months.²²⁸ Under "retirement" not solitude is understood, but rather a cessation of the installation festivities and a period of transition for the new king, during which he leads a sort of semi-official existence. A typical example of this is found in Dar Fur, where after the coronation the king retired "for one week into his home without giving either orders or interdictions; during this time no affair was brought before him."²²⁹ A similar seven-days period of retirement was observed by the chief-elect in the Fundj, Wadai, among the Babur, the Kilba, the Mbum, in the Hausa states and in various Jukun communities.²³⁰ Among other tribes the length of the period of retirement varies from two to ten days, or it extends over a fortnight, a month, three months, or even longer.²³¹ In a number of cases, so f. i. among the Jukun, the king-elect undergoes during the period of seclusion a process of divinization, learns to receive his food in ritual fashion, and is shown the secret amulets, etc.²³² Among other peoples, for instance in Uganda, among the Pangwe, in Ziba, etc., the point in the retirement seems to be the spending by the king of a certain period of time in a temporary dwelling place, while he attends to many affairs of state.²³³ Among the Konde the seclusion, lasting three months, serves as a test period, during which the health of the king-elect is carefully noted, lest being a weakling he should be a menace to the land.²³⁴

These cases enable us to interpret the retirement of Saul for a week as conditioned by some ritual rule.^{234a} This ritual retire-

²²⁷ Irstam, *op. cit.*, p. 56, point 6.

²²⁸ Cf. *op. cit.*, pp. 62 sq.

²²⁹ Mohammed Ebn-Omar el-Tounsy, *Voyage au Darfour*, Paris, 1845, pp. 159 sqq., as quoted by Irstam, *op. cit.*, p. 63.

²³⁰ Irstam, *op. cit.*, pp. 62 sq.; Meek, *Sudanese Kingdom*, pp. 133 sq.

²³¹ Irstam, *loc. cit.*

²³² Meek, *op. cit.*, p. 133.

²³³ Irstam, *op. cit.*, pp. 62-64.

²³⁴ Mackenzie, *The Spirit-Ridden Konde*, pp. 72 sq., as quoted by Seligman, *Egypt and Negro Africa*, p. 29.

^{234a} As to David it was remarked by W. A. Irwin ("Samuel and the Rise of the Monarchy," *AJSL*, 58 (1941), p. 126) that the implication of the narrative is that after he had been anointed "he also returned undisturbed to simple

ment of Saul, during which he continued to pursue his domestic occupations (11.5) was, however, interrupted by the call for help of Jabesh Gilead. I would not go as far as to contend that the report of the campaign of Saul against the king of Ammon is a "historicized" account of a ritual combat, similar to that which formed in the ancient Near East²³⁵ — just as it still forms today in Africa²³⁶ — an integral part of the coronation ritual. Such an interpretation, though, would at once eliminate some of the difficulties noted in this chapter for instance by Lods when he stated that the account contains "de bien graves invraisemblances: est-il croyable que Nahach ait accordé aux assiégés un délai de sept jours avant de capituler, pour leur permettre d'envoyer demander du secours dans tout le territoire d'Israel?"²³⁷ Neither shall we try to solve the other difficulties in which this chapter abounds. I should only like to advance a theory which, I believe, will prove helpful when applied to passages such as I Sam. 11. If we suppose that biblical traditions preserve a recollection of historical events, and this is by now a generally accepted view, we may postulate in the case of an event such as Saul's installation, the existence of a double set of traditions corresponding to a double set of events: the one covering the successive stages and rites of the protracted installation ritual; and the other, recording the historic events taking place at the same time. In the course of time details of the one set of traditions might have got mixed up with the other set of traditions.

The seven days' grace, asked for by the men of Jabesh Gilead in order to send for help, and, implicitly, granted to them by Nahash king of Ammon (11.3), could thus be explained as a

pastoral tasks." In note 35, *loc. cit.* Irwin comments upon the "parallel, apparent or real, to the supposed delay of Saul and David after their anointing," found in the story of Jesus, who after his baptism "went into the wilderness for his forty days' temptation . . . This period of solitary meditation was apparently a part of Jesus' career as a teacher . . . but for the early fighting men (i. e. Saul and David) no such interval was required . . ." I think to have shown above that, ritually at least, such an interval was indeed required.

²³⁵ Hooke, *Myth and Ritual*, pp. 8, 22 sqq., 84; Engnell, *op. cit.*, pp. 11, 36, 64 sq., 111, 128 sq., 150, 153, 162 sq., 168, 212 sq.

²³⁶ Irstam, *op. cit.*, pp. 60 sqq.

²³⁷ Lods, *Israël*, p. 411.

detail taken over from the tradition of the seven days' interruption in the installation ritual of Saul. In its original version the tradition may have contained a story of the siege of Jabesh Gilead without this detail. The messengers could have stolen out of the town even while Nahash was making his preparations for the siege or for the attack. The words said by the men of Jabesh Gilead to Nahash *after* they knew that help was coming, "Tomorrow we will come out unto you and ye shall do with us all that seemeth good in your eyes,"²³⁸ show that they were intent upon concealing from the enemy the fact that the relieving army was approaching. These words thus stand in direct contradiction to the wording of their first message to Nahash, "Give us seven days respite that we may send messengers unto all the boundaries of Israel and then if there be no man to save us, we will come out to thee." (11.3.) It is evident that of these two contradictory messages it is only the second which can be genuinely historic.

But, to return to the question of the ritual combat in the Hebrew installation ceremony, even if we do not hold that traces of it may be discovered in the fight of Saul against Nahash, we have reason to suppose that it had its role among the rites of installation. Psalm 2, of which we have already quoted a passage referring to the rebirth of the king on the day of his coronation,²³⁹ contains a rich description of the rebellion of the peoples, kings and rulers of the earth against God and his "anointed," of God's derision at the sight of their vain struggle, and of His promise to His newly enthroned king on Zion, "Thou shalt break them with a rod of iron, thou shalt dash them in pieces like a potter's vessel." (v. 9) Psalm 89, which again refers to the covenant entered by God with His chosen, with David His servant to establish his seed for ever (namely as kings in Zion²⁴⁰) describes God's primeval victory over the forces of the dark, the sea, Rahab, and in general his "enemies," (vv. 10-11) and the help he extends to the king to become victorious over his enemies (vv. 23-24), whereupon the king will call God "My father art thou" and God will make the king His "first-born."²⁴¹

²³⁸ 11.10.²³⁹ Cf. above, p. 169.²⁴⁰ vv. 4-5, 20-21, 29-30, 36-37.²⁴¹ vv. 27-28, cf. above, p. 169.

In Psalm 45, a royal marriage hymn, the king is addressed as follows: "Thine arrows are sharpened, peoples fall under thee, in the heart of the king's enemies" (v. 6).

But in addition to these liturgical references, I believe that traces of the ritual combat executed by the Hebrew kings can be found in a historical narrative. Of Joash king of Israel the following incident is related in the Book of Kings, closely following the short stereotype notice on his accession to the throne, his evilness and his death:²⁴² "Now Elisha was fallen sick of the sickness whereof he died. And Joash the king of Israel came down unto him and wept over his face and said, O my father, my father, the chariot and horsemen of Israel! And Elisha said unto him, Take bow and arrows. And he took unto him bow and arrows. And he said to the king of Israel, Put thine hand upon the bow. And he put his hand upon it, and Elisha put his hands upon the king's hands. And he said, Open the window eastward! and He opened it. Then Elisha said, Shoot! And he shot. And he (Elisha) said, The arrow of the Lord's deliverance and the arrow of deliverance from Syria! For thou shalt smite the Syrians in Aphek till thou have consumed them. And he said, Take the arrows, and he took them. And he said unto the king of Israel, Smite upon the ground! And he smote thrice and stayed. And the man of God was wroth with him and said, Thou shouldest have smitten five or six times, then hadst thou smitten Syria till thou hadst consumed it; whereas now thou shalt smite Syria but thrice."²⁴³

It is clear at first sight that we have here an almost unique description of a magical act performed by a Hebrew king following the instructions of a Hebrew prophet for the avowed purpose of securing him victory over his enemies. But it is this purpose precisely which was and still is aimed at by the participation of the kings of other peoples (ancient Near East, Africa) in the ritual combat. We have, it is true, no evidence whatsoever that the shooting of the arrow by Joash took place in conjunction with his installation as king of Israel. We can, however, suppose

²⁴² II Ki. 13.10-13.

²⁴³ II Ki. 13.14-19.

that the meeting between Joash and Elisha took place on some festive occasion. The sequel of the context seems to indicate that the meeting took place on New Year's day. For the next verse recounts a miracle which occurred at the burial of Elisha which took place "at the beginning of the year."²⁴⁴ The opening words of the whole scene (v. 14) indicate that the death of Elisha must have followed immediately, or at least very shortly, after the visit Joash paid to him, and he must have been brought to burial, as was usual among the Hebrews, on the same day. The burial of the other man, who revived when, thrown into the grave of Elisha, he touched the "bones," i. e. the dead body of the prophet (v. 21), must have taken place on the same day at a time when the grave of Elisha was not yet covered. We may thus conclude that the meeting between Joash and Elisha took place on New Year's day. This inference, if we keep in mind the repetition of the installation ritual of Saul in the Gilgal,²⁴⁵ enables us to suppose that in the passage about the shooting of the arrow by Joash a rite has been preserved which was originally a part of the installation ritual of Hebrew kings, itself taking place on, or about, New Year's day.²⁴⁶ Incidentally a very similar rite has been preserved also in ancient Egyptian pictorial representations, and, as if to make the correspondence more striking, here too the records refer not to the coronation ceremony proper, but to its ritual repetition, the Sed-festival.²⁴⁷ One of the characteristic features of this festival was the discharge by the Pharaoh of arrows towards the four cardinal points, a scene which is repeatedly depicted on monuments. A scene from Karnak, for instance,²⁴⁸ which shows Thotmes III shooting the arrows, impresses one almost as if it were an illustration to II Ki. 13.16. We see the king holding the bow and arrow in his hands, while a god places his own hands upon the arms of the king.

²⁴⁴ V. 20: MT "בא שנה", read with Sept. and Targ. "בבא שנה."

²⁴⁵ Cf. above, p. 177.

²⁴⁶ Cf. above, p. 172, note 172.

²⁴⁷ Cf. above, p. 177.

²⁴⁸ Cf. Lepsius, *Denkmäler*, III, pl. 36b; reproduced also in Moret, *Du Caractère Religieux de la Royauté Pharaonique*, Paris, 1902, fig. 21 and again in Seligman, *Egypt and Negro Africa*, p. 17, fig. 2.

The same rite was observed elsewhere too. The story of the king of the Indian tribe of Kurus describes how every three years he held a festival at which he stood in the presence of the demon Citraraja and shot an arrow towards each of the four quarters.²⁴⁹ Again, in Africa we find the same ceremony taking place annually "about the beginning of the year."²⁵⁰ The rite was performed by the king of Kitara (Unyoro) at his "coronation" and was "described as 'shooting the nations.' This was done with the royal bow, Nyapogo, restrung with human sinews at each succession. When it had been restrung it was handed to the king with four arrows and he shot these, one towards each of the four quarters of the globe, saying '*Ndasere amahanga kugasinga*' (I shoot the nations to overcome them), and mentioning as he shot each arrow the names of the nations in that direction."²⁵¹ In the case of Joash, it is true, we hear of the shooting of one arrow only, against Syria, which actually lies east of Israel, the direction in which the arrow was shot. From a later period, however, that of the second Temple, we have knowledge of an annual ceremony²⁵² in which the nations of the world were symbolically overcome by the Lulabh, shaken towards the four quarters, and figuratively-ritually referred to as an "arrow."²⁵³

But to return to the installation of Saul. We saw that the narrative does not contain any reference to a ritual combat but, instead, as it were, an account is given of a real fight which took place between Nahash and Saul, and at the victorious conclusion of which the installation ceremonies were continued and Saul was definitively confirmed in his reign. Now, it is interesting

²⁴⁹ Hocart, *Kingship*, p. 86, basing on Jataka, No. 276, II.372.

²⁵⁰ Cf. בבא השנה, II Ki. 13.20.

²⁵¹ Roscoe, *The Bakitara*, 1923, p. 134, as quoted by Seligman, *Egypt and Negro Africa*, p. 15. We have seen above, p. 180 that the Dahomean king, when enstooled, was given an old gun — in ancient times a hoe-handle, the traditional weapon of Dahomey — and was exhorted to conquer with this weapon his enemies.

²⁵² That Sukkot was originally a New Year's festival was shown by Morgenstern, "The Three Calendars of Ancient Israel," *HUCA* I (1924) pp. 22 sqq.

²⁵³ Cf. Patai, *Man and Earth in Hebrew Custom, Belief and Legend*, vol. II, Jerusalem, 1943, p. 186 (in Hebrew); id. *Man and Temple*, Edinburgh, 1947.

to note that while among various African peoples actual battles between the aspirants to the throne had to precede the coronation of a king,²⁵⁴ there is at least one instance of the ritual battle being altogether omitted in case there was a real fight going on in some part of the realm. In Uganda the morning after the day in which the new king first entered his newly built dwelling, a sham-battle took place. "Kasuju (the minister who had charge of, and responsibility for, the princes and princesses) came and engaged in battle with the king. Both were armed with a shield and a spear, and each was to thrust at the other's shield with the spear. This battle took place to confirm the king in his kingdom, and to show that there was no fear of rebellion. If there was any appearance of a rebellion, the Kasuju did not come . . ."²⁵⁵ Thus it would seem that also in the case of Saul the ritual combat was omitted as there was a real fight to be fought.

After the victory over Nahash, Saul and his following again went down to Gilgal, and he was there reaffirmed in his reign. This part of the ritual comprised the offering up of sacrifices "and there Saul and all the men of Israel rejoiced greatly."²⁵⁶ Rejoicing and acclamations were a recurrent ceremonial feature of the Hebrew installation ritual,²⁵⁷ as well as of the African installation of kings and chiefs.²⁵⁸

VIII

One of the most frequent features of the African installation ritual is the conferring of certain regalia on the king.²⁵⁹ In the great majority of cases the regalia given to African kings at their installation are a spear (or spears), a sword or a shield.²⁶⁰ Now, in connection with Saul, though we are not told that he received

²⁵⁴ Irstam, *op. cit.*, pp. 60 sqq.

²⁵⁵ Irstam, *op. cit.*, p. 21, quoting, Roscoe, *The Baganda*, p. 204.

²⁵⁶ I Sam. 11.15.

²⁵⁷ Saul: I Sam. 10.24. Solomon: I Ki. 1.40, 45. Jehu: II Ki. 9.13, Joash: II Ki. 11.12, 14; II Chron. 23.11.

²⁵⁸ Irstam, *op. cit.*, p. 56, 74.

²⁵⁹ *Op. cit.*, p. 56, point 14.

²⁶⁰ *Op. cit.*, pp. 70-71, 91-98; Meek, *Tribal Studies*, II, 544; cf. W. Schilde, "Die afrikanischen Hoheitszeichen," *Zeitschrift für Ethnologie* 61 (1929).

any regalia at his installation, we hear that at a time when "neither spear nor sword were found in the hand of any of the people" such weapons were nevertheless provided for Saul and his son Jonathan.²⁶¹ This report in itself would make the impression that the spear and the sword were given to Saul and Jonathan simply as arms to be used in their battles. But, that at least concerning the spear of Saul this was not the case, we learn from several other passages which repeatedly speak of the "spear of Saul": when sitting on his royal seat in Gibeah under a tree²⁶² and all his servants are standing around him, he "has his spear in his hand" (22.26). When sitting in his house, again he has "his spear in his hand."²⁶³ When in battle, he "is leaning upon his spear"²⁶⁴ and at night while sleeping "his spear is stuck in the ground at his bolster."²⁶⁵ These passages suggest that the spear was one of the regalia of Saul.²⁶⁶ A spear figured also among the regalia of the Davidic kings and was even used in connection with the coronation ceremony. When Jehoiada the priest made the preparations for the coronation of Joash, he gave to the captains over the hundreds "the spear²⁶⁷ and the shields (השלטים) of king David which were in the Temple of the Lord."²⁶⁸ The "spear of David" referred to in this passage seems to be identical with the spear of Goliath, the Philistine of Gath. This spear of gigantic dimensions²⁶⁹ must have been deposited, together with Goliath's sword, first in the tent of David,²⁷⁰ then in the sanctuary of Nob,²⁷¹ and later transferred thence to the temple built by Solomon.²⁷²

²⁶¹ I Sam. 13.22. It may be significant in this connection that later Jewish tradition has it that the spear and the sword were given to Saul by an angel or by God himself, cf. Midrash Samuel 17.

²⁶² I Sam. 22.6, cf. 14.2.

²⁶³ 19.9. Cf. 18.10-11; 20.33.

²⁶⁴ II Sam. 1.6.

²⁶⁵ I Sam. 26.7. Cf. vv. 8, 11, 16, 22.

²⁶⁶ Similarly Garstang, *The Heritage of Solomon*, p. 290.

²⁶⁷ דַּחֲנִיחַ, in singular! In the parallel passage, II Chron. 23.9, in plural.

²⁶⁸ II Ki. 11.10.

²⁶⁹ I Sam. 17.7.

²⁷⁰ I Sam. 17.54.

²⁷¹ I Sam. 21.9-10. The slaying of Goliath was a legendary deed variously attributed to David and to another Bethlehemite hero, II Sam. 21.19.

²⁷² The assumption that "the spear of David" was none other than the spear taken by David from the vanquished Goliath, is based on a comparison

Swords and spears (רמחים) belonged also to the paraphernalia of the Baal prophets,²⁷³ while according to Num. also the Hebrew priests in the desert were armed with spears (רמח).²⁷⁴ A similar weapon, the כידון, also translated by the A. V. "spear," belonged to the insignia of Joshua, and was, moreover, used by him as a magic wand: He stretched out the spear (כידון) which he had in his hand towards the city of Ai, and held it outstretched until complete victory was won over its inhabitants.²⁷⁵

With this we may compare the role of the royal spear among the Kam in Northern Nigeria: The royal spear, known as Rum, is given to the king-elect. "In time of war, if the Kam were attacked, he would hold up this spear and say: 'If I have done these people (his assailants) any evil, may they overthrow me, but if I had done them no evil, may all that they do be brought to naught.' He would then plant the spear in the ground, and it was believed that the arrows of the enemy would be diverted or break in pieces before reaching their object."²⁷⁶

But to return to the Hebrew regalia, we have seen that in addition to the spear also the sword is mentioned as a weapon used by Saul. The sword is a royal weapon. Besides the sword of Saul²⁷⁷ mention is made of the sword of Pharaoh (Ex. 18.4), of the sword of Hazael and the sword of Jehu (I Ki. 19.17). In a prophecy of Ezekiel God gives his own sword into the hands of the king of Babylon.²⁷⁸

We have also seen that in addition to "the spear of David" also "the shields of David" were kept in the temple (II Ki. 11.10). Also the shield as a royal emblem in Israel can be traced back to Saul. David in his lament over Saul and Jonathan refers to

of the above quoted passages with II Sam. 8.7 = I Chron. 18.7. Similarly the Philistines, after they had taken the arms of Saul from his dead body, placed them in the "house of Ashtoret," I Sam. 31.9.

²⁷³ Cf. I Ki. 18.28.

²⁷⁴ רמח, Num. 25.7.

²⁷⁵ Josh. 8.18, 26. Cf. Moses lifting up the "rod of God" in his hand to secure victory for the Israelites over Amalek, Ex. 17.9-13.

²⁷⁶ Meek, *Tribal Studies*, I, 159, II, 541. Cf. Irstam, *op. cit.*, pp. 91-98.

²⁷⁷ I Sam. 31.4 = I Chron. 10.4; II Sam. 1.22:

²⁷⁸ Ex. 30.25. Cf. *ib.* 21.24; 32.11.

the "shield of Saul"²⁷⁹ as to a sacred weapon. The association of the "shield" with the house of David is well known. The Davidic king may be described as the "shield" of his people.²⁸⁰ Psalm 18 which was, it would seem, composed for the Davidic king, and describes the king's deliverance from his enemies — pictured as "death" — by God, his justification, and his ultimate victory over his enemies, the nations, contains, I believe, a reference to the mythical concept of "David's shield": "Thou [God] hast given me the shield of thy succour and thy right hand hath holden me up . . ." ²⁸¹ When David smote Hadadezer king of Sobah, he "took the shields of gold (שֵׁלֵטֵי הַזָּהָב) that were on the servants of Hadadezer and brought them to Jerusalem"²⁸² in order to dedicate them to God together with all the other silver and gold which he took from all the nations which he subdued (vv. 11–12). It was presumably in imitation of these golden shields that Solomon made an additional two hundred golden "targets" (צִנֵּה זָהָב) and three hundred golden shields (מִגְנִיִּים זָהָב) which he put in his "house of the forest of Lebanon."²⁸³ Of the use of these shields in the royal ritual we are informed in a later passage. In the fifth year of king Rehoboam, the son of Solomon, Shishak king of Egypt came up against Jerusalem and looted the treasures of the Temple and of the king's house. Curiously enough, of all the treasures taken away by Shishak we are informed only of the replacement of the three hundred shields precisely. Rehoboam made in their stead brazen shields, in order presumably to be able to continue the royal ritual in which these shields played an indispensable role. The shields were entrusted to the hands of the captains of the royal guard and kept in the guard chamber. When the king entered the Temple, the guards carried the shields before him, and when he returned to his house, the shields too were returned into the guard chamber.^{283a} Elsewhere I have

²⁷⁹ מִגְנֵן שָׂאוּל, II Sam. 1.21.

²⁸⁰ Ps. 84.10; 89.19; cf. 47.10. Cf. Johnson, "The Role of the King," *The Labyrinth*, ed. Hooke, p. 76.

²⁸¹ Ps. 18.36; cf. II Sam. 22.36.

²⁸² II Sam. 8.7 = I Chron. 18.7.

²⁸³ I Ki. 10.16–17 = II Chron. 9.16–17.

^{283a} I Ki. 14.25–28 = II Chron. 12.9–11.

adduced evidence to show that in rabbinic tradition cosmic significance was attributed to these shields of which it is related that they were used in a race once a year.²⁸⁴ If we accept this as a historic reminiscence, we may find in it a strengthening of the impression we gain from the biblical account itself, namely that these processions of the king into the Temple took place once a year only, presumably on New Year's day, as a commemoration of the king's installation festival in the course of which too the king was taken in procession from the palace to the Temple and back "by the way of the gate of the guards" (II Ki. 11.19). This "gate of the guards" is, of course, the gate next to which was situated the "chamber of the guards."

Thus we have already found evidence as to the existence of two royal insignia, originally introduced into Hebrew kingship by Saul, and renewed by David. It seems to have been David's policy to adopt the insignia of foreign heroes or kings conquered by him. A third royal emblem, the crown (כִּרְמִי II Sam. 1.10), was also possessed already by Saul, but, as in the case of the spear and the shield, David did not take it over from Saul but, as befitted the founder of a new dynasty, took it — again just as he took the spear and the shield — from a conquered king. After David took Rabbah of the children of Ammon, "he took their kings's crown (עֹטֶרֶת) from off his head, the weight thereof was a talent of gold and a precious stone [was set into it], and it was put on David's head" (II Sam. 12.30).

Crowning with a crown (עֹטֶרֶת or כִּרְמִי) was one of the integral rites of the installation of Hebrew kings.²⁸⁵ In later times Josephus records that Herod had both a diadem (διδάγμα) and a crown (στέφανος).²⁸⁶

Saul possessed yet another royal emblem the traces of which in later times are as good as lost. This was the bracelet (אַצְעֻדָּה), worn on the king's arm²⁸⁷ Only in the Book of the Maccabees

²⁸⁴ Cf. Patai, *Man and Temple*, Edinburgh, 1947, pp. 74, 99.

²⁸⁵ II Ki. 11.12 = II Chron. 23.11. Cf. Ps. 21.4. A third term for crown, כֶּתֶר, is found only in Esther: כֶּתֶר מַלְכוּת, Esth. 1.11; 2.17; 6.8.

²⁸⁶ Jos. Wars, I, 33.9. As to the relation of these two, cf. L. Löw, "Kranz und Krone," in his *Gesammelte Schriften*, III, pp. 407-437.

²⁸⁷ II Sam. 1.10; cf. Num. 31.50; Isa. 3.20. Erwin R. Goodenough ("King-

do we again hear of a similar emblem of rank. There it is said that Alexander sent a golden *πρόπη*, a brooch or clasp, to Jonathan as a royal emblem. Another such clasp was sent to Jonathan also by the young Antiochus.²⁸⁸

On the other hand no reference is made in connection with Saul to the throne which was introduced by David. Saul sat, as we have seen, under a tree,²⁸⁹ but "David's throne" (*כסא דוד*) soon became a symbol of Hebrew kingship and remained such down to the days of the exile.²⁹⁰ The royal throne was also called "the throne of the kingdom"²⁹¹ or "the throne of kings"²⁹² or "the throne of Israel"²⁹³ or even "the throne of God."²⁹⁴ During the installation ritual the king ceremonially took his seat on the throne.²⁹⁵ Where no throne was available, for instance in an army camp, garments were put under the king (Jehu: II Ki. 9.13). A description of Solomon's throne is found in I Ki. 10.18-20, while the throne of Herod is referred to by Josephus (Wars 2, 11).

There is another royal emblem the identity of which it is difficult to determine. When Joash was made king by the priest Jehoiada "he put the crown and the "testimony" (*עדות*) upon him . . ." (II Ki. 11.12, II Chron. 23.11). The word *עדות* may be derived from *ערי*=jewels, thus David Kimchi, Abr. b. Ezra, Metzudath Zion ad loc., or it may be a misspelling of *הצעדות* (cf. Isa. 3.20) which, in singular, is mentioned together with the crown as constituting the regalia of Saul. It seems improbable

ship in Early Israel," *JBL* 48 (1929), p. 190) attaches special importance to the bracelet in view of the royal bracelet of the Assyrians and Babylonians.

²⁸⁸ I Macc. 10.89; 11.58; cf. 14.43. Bracelets were worn as regalia also in Persia, cf. Hastings' *Enc. of Rel. and Ethics*, X, 637a.

²⁸⁹ Cf. above, p. 191.

²⁹⁰ II Sam. 3.10; I Ki. 2.12, 24, 45; Isa. 9.6; Jer. 17.25; 22.2, 30; 29.16; 36.30.

²⁹¹ *כסא המלוכה* or *כסא הממלכה*, Deut. 17.18; II Sam. 7.13; I Ki. 1.46; 9.5.

²⁹² *כסא המלכים* II Ki. 11.19.

²⁹³ *כסא ישראל*, I Ki. 2.4; 8.20, 25; 9.5; II Ki. 10.30; 15.12.

²⁹⁴ *כסא יי*, I Chron. 29.23; cf. the intermediary expression *כסא מלכות יי*, the throne of the kingdom of God, I Chron. 28.5.

²⁹⁵ Solomon: I Ki. 1.46; 2.12. Zimri: I Ki. 16.11. Joash: II Ki. 11.19. Jeroboam: II Ki. 13.13.

that this 'ēdūth should have anything to do with the 'ēdūth, the "testimony" which was contained in the Ark of the Covenant, also called "ark of the Testimony."²⁹⁶

As to the royal robes, it was remarked already by Robertson Smith that "from Ps. 45.8 (E. V. 7) compared with Isa. 61.3, we may conclude that the anointing of kings at their coronation is part of the ceremony of investing them in the festal dress and ornaments appropriate to their dignity on that joyous day (cf. Cant. 3.11)."²⁹⁷ It would seem that from the day of coronation and onwards the kings were always dressed in their royal robes, and "in accordance with the current practice among contemporary societies were accustomed to wear their royal robes even in battle."²⁹⁸ From a later period we have ample testimony to the purple being the royal vestment.²⁹⁹ Once, however, we hear that an heir to the throne put on white garments on the occasion of his informal accession.³⁰⁰ In connection with the consecration of priests we shall have later occasion to return to the role played by the vestments in Hebrew installation rites.

Another royal emblem associated with Hebrew kings, as well as with the older, uncrowned leaders of the Hebrew people, was the sceptre.³⁰¹

Reverence towards the regalia and the person of the king persisted in Judaism long after the cessation of kingship. In a Mishna we read: "It is forbidden to ride upon his [the king's]

²⁹⁶ As to the significance of this second 'ēdūth and its role in the sanctuary, cf. Morgenstern, "The Book of the Covenant," *HUCA* V (1928), pp. 34 sqq., n. 41. Acc. to Goodenough, "Kingship in Early Israel," *JBL*, 48 (1929), p. 190. *הזעדרות* should be read with Codices A and B of the Sept.

²⁹⁷ Robertson Smith, *Religion of the Semites*³, pp. 232 sq.

²⁹⁸ Garstang, *The Heritage of Solomon*, pp. 290 sq. referring to I Ki. 22.30.

²⁹⁹ I Macc. 8.14; 10.20, 62, 64; 14.43; Jos. Wars, I, 33, 9.

³⁰⁰ Jos. Wars, II, 1, 1.

³⁰¹ שֶׁבֶט, Gen. 49.10; Num. 24.17; Isa. 14.5; Ez. 19.11-14; Am. 1.5, 9; Ps. 2.9; 45.7, etc. שֶׁרֵבִיט of gold only in Esth. 4.11; 5.2; 8.4; cf. Jos. Wars, I, 33, 9. Let us mention only in passing that among the regalia of Herod Agrippa I there figured an umbrella which is shown on one of his coins, cf. Narkiss, *Coins of Palestine* I (in Hebrew), Jerusalem, 1936, p. 136 and plate IV, no. 9. Cf. Hastings' *Enc. of Rel. and Ethics*, X, 637b.

horse, to sit on his throne, to use his sceptre, to look at him while his hair is being cut, or when he is naked, or when he is in the bath . . ."³⁰²

IX

Before entering upon the interpretation and classification of further points in the Hebrew installation rites, it will be necessary to familiarize ourselves with a number of additional features of the African installation ritual. We shall have, first of all, to bear in mind, that the installation of a king or a chief is a very protracted affair, extending over a period of many months, in some cases even lasting for two full years during which special rules of conduct have to be observed. During this time long periods of quiescence intervene between shorter times of ceremonial activity. Among the Pabir of Northern Nigeria, for instance, the new chief is installed by being given the royal spear and being taken to a village to reside there for seven days. After one year, during which he must not enter the royal palace, he is taken to the river Surakumi and ceremonially washed there on a rock in the middle of the water, blessed, invested with his royal robes, and formally conducted to the palace. At the conclusion of a further year, during which the only restriction retained from the first is the interdiction of shaving, the king "goes to the house" of Yemta-ra-Waba at Limbir and is there shaven."³⁰³

Nor is the royal ritual ended with the discharge of even the most protracted series of installation ceremonies. In accordance with the central role played by the "divine" king in all aspects of his country's life, he is constantly kept busy with ceremonial observances on which depends the well-being of his people. In many cases these routine rituals show a certain periodicity, being performed monthly, annually^{303a} or at larger

³⁰² Mishna Sanh. 2,5; cf. Tos. Sanh. 4,2, ed. Zuckermantl, p. 420. As to the reverence towards kings in general cf. Eccl. 8,2; Prov. 24,21; Gen. Rab. 94,9, ed. Theodor-Albeck, p. 1183; B. Berakh. 58a; B. Zeb. 102a; Num. Rab. 8,6.

³⁰³ Meek, *Tribal Studies*, I, 159.

^{303a} As pointed out above, p. 180, note 303a, certain rites of the Dahomean installation ritual were repeated every year, among them the admonition and

intervals, and they often serve the all-important purpose of re-invigorating the king, renewing his powers. In the Egyptian Sed-festival we have already become acquainted with such a ritual, and we have also seen that at least two of its rites, the "shooting of the nations" and the setting up of the *Dd*-column, have their parallels both in modern Africa and among the ancient Hebrews.³⁰⁴ We have also pointed out that the functioning of the Hebrew kings in the sanctuary on every New Year's day as the chief priests of their people, constituted a partial annual repetition of the installation ritual.³⁰⁵

Another rite connected with the African installation ritual, but in many cases taking place only after a certain length of time had elapsed, is the killing of a human victim.³⁰⁶ When this rite is performed at a later date it frequently takes the form of spearing a slave. Among the Baganda, within a short time of his accession the king ceremonially speared men in order "to invigorate himself." He slightly wounded these men with a spear, whereupon they were taken away and killed.³⁰⁷ After the king had reigned three years or so, another, much more important ceremony took place, in the course of which a son of Nankere, a chief of the Lung-fish clan, after having been fed, clothed and treated in all respects as a king for the duration of a month, was presented to the king and then killed — again in order to prolong the life of the king.³⁰⁸ Among the Jukun "sometime after the king had been in office he . . . carried out a rite . . . by which he attained a new name, was reinvigorated and reconfirmed in his kingdom . . . The rite consisted, it is said, in the spearing of a

humiliation of the king and his presentation with arms. To these may be added the annual military campaigns led by the king, which though serving practical ends, had an emphatically ritual character, cf. M. J. Herskovits, *Dahomey*, New York, 1938, ii, 79-98.

³⁰⁴ Cf. above, p. 178 and p. 188.

³⁰⁵ Cf. above, p. 178, note 203.

³⁰⁶ Irstam, *op. cit.*, p. 56, point 24 and p. 74; Hocart, *Kingship*, p. 71, point L.

³⁰⁷ Roscoe, *The Baganda*, 1911, pp. 209-210.

³⁰⁸ Roscoe, *op. cit.*, pp. 210-211, as quoted by Seligman, *Egypt and Negro Africa*, pp. 53 sq. and Irstam, *op. cit.*, pp. 21 sq.

slave by the king in person. According to another account, the king himself merely wounded the slave, or made a pretence of wounding him, the actual killing being carried out by the Ta ko atyu (the priest under whose supervision the whole rite was performed) who used for the purpose the royal spear and knife, of which he was the custodian."³⁰⁹

The ceremonial spearing of a youth by the king in order to "reinvigorate" himself, may have a bearing upon the attempted spearing of David by Saul (I Sam. 18.10-12; 19.9-10). It is difficult to imagine that had Saul's wish originally been simply to remove David, he should have been unable to achieve his purpose and have him killed in one way or another while David still lived in his proximity. If, however, it had to be a "ceremonial spearing," things were different. In this case Saul could not simply dispatch a couple of his servants to finish David off, the killing, or at least the first wounding of David had to be done by him personally. This may explain why Saul sent messengers not to kill David straight away, but to bring him to him alive that he personally might slay him (I Sam. 19.14-15).

This inference is strengthened by another narrative which tells of an actual human sacrifice carried out in close connection with the installation of Saul. We have already drawn attention to the fact that Saul's installation ritual consisted of several stages. (Cf. above pp. 177 sq.) To recapitulate: The first stage was that in Rama on the Bamah and at the house of Samuel (I Sam. 9.15-10.7), closely followed by the round made by Saul in the course of which the three "signs" were encountered by him (10.9-13), and by the oracle and the acclamation in Mizpah (10.17-26). This is followed by the interval of seven days during which the battle against Nahash takes place (10.8, 26; 11.1-12). Then comes the second stage, the "renewal" of the kingship at Gilgal with sacrifices and general rejoicing (11.14-15; 13.7b-15). Immediately after this the battle against the Philistines begins, the victorious outcome of which is followed by the building of an altar and the offering up of sacrifices at an unspecified place, but presumably again in Gilgal (13.1-7a, 16-23; 14.1-45). This

³⁰⁹ Meek, *Sudanese Kingdom*, pp. 139 sq.

episode, which closes with the remark that "Saul captured (לכד) the kingship over Israel" (14.47), should be regarded as the third stage. Now follows an exhortation of Samuel addressed to Saul, announcing: "It is I whom the Lord sent to anoint thee to be king over his people Israel" (15.1), and demanding of Saul to wage a war of destruction against Amalek, the traditional foe of Israel, in obedience to the command of God (15.2-3). Saul obeys and routs the Amalekites, then again repairs to Gilgal to sacrifice (15.4-34). This development can be regarded as the fourth stage.

We have thus an opening stage followed by a threefold repetition of the same general pattern with only slight deviations.³¹⁰ This in itself strongly smacks of a ritual pattern^{310a} the basic features of which may have been as follows:

1. The king is sent by the prophet into battle against a specified enemy.
2. The battle is fought and won by the king.
3. The king repairs to the sacred place (Gilgal), where
4. He builds an altar and offers up sacrifices from the spoil, also
5. A human sacrifice, and
6. Is reaffirmed in his reign amidst the acclamation and rejoicing of the people.
7. The prophet, however, who too is present at the triumphal feast, shows a certain animosity towards the king.

³¹⁰ Also David and Solomon were, it would seem, installed in their reign more than once. David was (1) anointed by Samuel, I Sam. 16.13; (2) recognized by 400 followers as their prince, I Sam. 22.2; (3) recognized by Saul as the future king, 24.20; 26.25; (4) anointed by the tribe of Judah, II Sam. 2.7; and (5) anointed by all Israel, II Sam. 5.3. Solomon's second installation is referred to in I Chron. 29.22.

^{310a} Irwin ("Samuel and the Rise of the Monarchy," *AJSL* 58 (1941), p. 130) recognizing the similarity between I Sam. 15 and Num. 31.1-20, comments: "Clearly it has become a dogmatic or theological vogue to represent an Israelite force as setting forth on punitive expedition, with ecclesiastical sanction and blessing, which in the sequel was forfeited and the triumph turned into consternation because of the failure of the victors to observe some ritual regulation." It is difficult to see how could various "punitive expeditions" be represented according to such a scheme, unless there existed a ritual frame for the launching of an attack and for its ceremonial aftermath.

Out of the seven points of this ritual pattern five (1, 2, 3, 4, 6) are self-evident after what has been said in the previous pages. Two (5 and 7), however, still require substantiation. Before doing this I should like again to emphasize that we do not possess in the biblical narratives about Saul accurate records of rituals, but reminiscences of rituals mixed with traditions of historical occurrences. Thus we will not expect to find more than a mere basic agreement between the various repetitions of the ritual pattern, made almost irrecoGNizable by the overlaid historical colouring. Keeping this in mind we shall find that the narrative of each one of the three victorious campaigns of Saul contains an account of, or at least a reference to, a human sacrifice.

The clearest instance is the third one. After Saul's triumph over Amalek, Samuel, who took part in the sacrificial feast at the urgent request of Saul, "hewed Agag (the captured king of Amalek) in pieces before the Lord in Gilgal" (15.33). On the previous occasion, after his victory over the Philistines, Saul consulted the oracle and finding that his son Jonathan "sinned" wished to kill him, but "the people redeemed Jonathan [as contended by the majority of scholars, by giving the life of another man in his stead] and he died not." (14.15).³¹¹ Finally, after the first battle, that against Nahash, when the people proposed to put to death those who had mockingly opposed and derided Saul

³¹¹ From the context it may be deduced that it was Saul's premeditated intention to kill Jonathan. The sequel of the events was as follows: Jonathan went into the Philistine camp and began slaughtering the Philistines (vv. 4-16). Saul numbered his men and found that Jonathan was missing (v. 17). In Jonathan's absence Saul pronounced a curse upon anybody who would eat any food until the evening (v. 24), a prohibition which must needs be transgressed by a person who did not hear it pronounced. After Jonathan ate of the honey he found in the wood, he was informed by somebody of his father's curse (vv. 27-30). When Saul got no answer from God — via the oracle — whether he should continue to fight the Philistines, he said: "Though it (namely the sin) be in Jonathan my son, he shall surely die" (v. 39). These words, pronounced by Saul before consulting the oracle on the point of the hidden guilt, clearly show that Saul at least suspected that it was Jonathan who "sinned." This is shown also by the irregular procedure of casting the lots, implying that the sinner expected to be pointed out was Jonathan, vv. 40-42. Moreover, 20.33 tells us that Saul tried to kill Jonathan in the same manner in which he tried to kill David: by casting his spear at him.

in Mizpah (11.12, cf. 10.27), Saul answered: "There shall not a man be put to death this day, for to day the Lord hath wrought salvation in Israel" (11.13). The double emphasis on "to day" shows that it was only that same day on which Saul did not desire the man (שׂוֹן) or men be put to death, the implication being that the putting to death was carried out on another probably the following, day.³¹²

The other point, the animosity of the prophet towards the king, seems at first sight to be of a genuinely historical character. After all, one will be inclined to argue, the animosity of the prophet towards the king whom he himself had anointed, can be nothing else but a piece of actual history. I would by no means deny that in the case of Samuel and Saul there may have been a special, historically conditioned, dissent. All I wish to suggest is that this dissent was a special, overemphasized case of a ritual hostility, or rather incompatibility, between the king on the one hand and the prophet, priest or official who installed him, on the other. Numerous examples of such a ritual incompatibility are to be found in Africa. Thus among the Baganda, Nankere, the chief of the Lung-fish clan, of whose role in connection with the coronation and reinvigoration ceremonies we have already heard (cf. above, p. 198), was not permitted to see the king except when he performed the rite for the prolongation of the king's life, in the course of which he had to sacrifice one of his sons.³¹³ Among the Jukun, the Ku Vi, the head of the Ba Vi kindred, who exercises priestly functions and has a court of his

³¹² There is no contradiction between this ceremonial killing of the mockers and the fact that the mocking itself was but a rite. It is a characteristic feature of the ritual to assign certain persons ritual tasks and then kill them for performing the same tasks. In the course of the installation of the king of Ganda, f. i., when the king journeyed to Kababi, some boys were sent ahead of him with the vessels in which the sacred meal was prepared. When the king saw these boys, he asked: "What do you mean by carrying these vessels in front of me and dirtying my path with soot from the vessels?" The king's followers thereupon smashed the vessels on the ground and killed as many boys as they could catch. Cf. Irstam, *op. cit.*, pp. 22 sq. Such examples could easily be amplified.

³¹³ Roscoe, *The Baganda*, pp. 210 sq., as quoted by Seligman, *Egypt and Negro Africa*, p. 54.

own, and whose role in the installation of the king is in many a detail comparable to that played by Samuel at the installation of Saul,³¹⁴ "must never again meet the king face to face . . . It is not uncommon in Jukun communities that the chief and certain priests must never meet."³¹⁵ During the installation ceremony itself ritual demands of the Ku Vi to treat the king-elect rudely. The king-elect "is made to run round a mound three times and in doing so is well buffeted by the Ku Vi and his followers."³¹⁶ Among the Kona and Gwana Jukun "the chief and the chief-priest may not meet face to face. The power of the chief priest is so great that he can threaten to bring illness or even death on the chief if the chief fails to treat him with proper respect or to supply the necessary sacrificial gifts."³¹⁷

A scrutiny of the meetings which took place between Samuel and Saul will show that such meetings occurred only in connection with the various stages of Saul's installation: first in Rama, then in Mizpah, then in Gilgal (13.10-15), then before the battle against Amalek (15.1), and lastly again in Gilgal (15.12-34), after which we are expressly informed that "Samuel did no more see Saul until the day of his death" (15.35). Similarly, after Samuel anointed David to be king (16.13), he left him never to see him again.³¹⁸ The same relationship seems to have existed

³¹⁴ E. g. the Ku Vi instructs the king-elect in the ritual which must be observed by the king and addresses him thus: "... Follow in the footsteps of your forefathers and do evil to none, that your people may abide with you and that you may come to the end of your reign in health." Meek, *Sudanese Kingdom*, pp. 136 sq.

³¹⁵ Meek, *Sudanese Kingdom*, p. 138.

³¹⁶ *Op. cit.*, p. 136. Cf. also the humiliation of the king by the officials who conduct the installation ceremonies in Dahomey, among the Shilluk and the Pangwe, above, pp. 180-181.

³¹⁷ *Op. cit.*, p. 322.

³¹⁸ I Sam. 19.18-24 telling of David's and later Saul's coming to Samuel and of the contagious prophetic-ecstatic atmosphere surrounding Samuel, cannot have formed part of the original narrative in which Samuel is never spoken of as an ecstatic or an arouser of ecstasy. On the contrary, when Samuel wished Saul to be possessed by the spirit, he sent him away from himself to a place where he would meet a group of ecstatic prophets, cf. I Sam. 10.5-6, 10-12. I Sam. 19.18-24 is regarded by Oesterley and Robinson, *Introduction*, p. 85, n. 1, though on different grounds, as a "late midrash." Their view is

between Ahijah and Jeroboam whom he made king over Israel (I Ki. 11.29-39). When, years later, the son of Jeroboam fell ill, and he wished to consult the prophet, he did not go himself, and even his wife, whom he sent, he bade disguise herself that Ahijah should not know that she was the king's wife (I Ki. 14.1 sqq.). The same relationship between the anointing prophet and the anointed king persisted also in later times, when one of the "sons of the prophets" at the bidding of his master, Elisha, "fled" immediately after he had anointed Jehu to be king over Israel (II Ki. 9.3, 10). We cannot fail to grasp the basic identity of the relationship not only of the three different Hebrew prophets to the four Hebrew kings, but also of the pattern underlying this relationship and of the African priest-king pattern.

The inference that the inimical behaviour of Samuel towards Saul was in conformity with ritual requirements, is strengthened by a rite which was performed in the course of the Babylonian New Year festival. On the fifth day of this festival the king entered Nebo's chapel and stood alone before the statue. "Soon the high-priest appeared and took away from him his regalia, his sceptre, ring and crooked weapon and his crown, which he placed upon a stool before Marduk. Next he struck the king a blow on the cheek, pulled his ears, and forced him to kneel before the god. In this humiliation the king had to recite a sort of "negative confession," "I have not sinned, O lord of the lands, I have not been unregardful of thy godhead . . ." etc.³¹⁹ To this the chief priest replied with a message of comfort and blessing from the god . . . Once more, however, the priest was to strike him upon the cheek and that not softly, for a sign was to follow — if tears came into his eyes, Bel was gracious, if not, Bel was wroth . . ."³²⁰

endorsed by W. A. Irwin, "Samuel and the Rise of the Monarchy," *AJSL*, 58 (1941), pp. 128, 129.

³¹⁹ Cf. the words of Saul: "I have performed the commandment of the Lord . . ." I Sam. 15.13.

³²⁰ Gadd, "Babylonian Myth and Ritual," in Hooke, *Myth and Ritual*, pp. 53 sq. Langdon, *The Mythology of all Races*, vol. V, *Semitic*, pp. 318 sq.; cf. the literature on the humiliation of the king listed by Engnell, *Studies*, 35, n. 2.

X

The next points we come to consider are based on the inference that the annual functioning of the Hebrew king in the New Year ritual was of a commemorative, or rather repetitive character, insofar as it consisted of the performing on the king's part of rites which he first performed in the course of his installation ritual.³²¹ This inference is clearly implied in the results of the studies of J. Morgenstern in which he has shown not only that it was on New Year's day precisely that the pre-exilic Hebrew king functioned in the Sanctuary in his capacity as chief priest of the nation, but also that both the installation of kings (as well as of priests) and the dedication of temples — in Israel as well as in other countries of the ancient Near East — took place on the same day.³²² Morgenstern has also shown that originally the New Year's day was immediately preceded by a seven days' festival, the Asif-Sukkoth festival, which was only in a later calendar system transferred to VII/15-21.³²³ This being so it would seem that the seven days of the Asif festival are identical with the seven days which had to pass between the first (the opening) and the second stage of the installation of kings. In fact, in the African sphere, with the royal ritual of which we have constantly compared the ancient Hebrew installation ritual, the annual feast of ingathering is up to this date also a festival of the renewal by the people of their allegiance to the king. The examples in point are found among two peoples of Nigeria, the Arago and the Jukun.³²⁴

³²¹ Cf. above, p. 178, note 203.

³²² Morgenstern, *HUCA* I (1924) pp. 36-58; *AJSL* 55 (1938), pp. 9, 190, 367; *HUCA* XIV (1939), pp. 44 sqq. Cf. also Hooke, *Myth and Ritual*, p. 22, quoting A. H. Gardiner, *The Tomb of Amenemhet*, 1915, p. 124; K. Sethe, *Untersuchungen*, III, 136.

³²³ Morgenstern, *JQR*, N. S. VIII (1917) pp. 31-34; *HUCA* I (1924), pp. 22-58, 77; X (1935), pp. 72-148.

³²⁴ The Arago have long been closely associated with the Jukun, their city-states of Doma and Keana were founded from Wukari, the main Jukun centre. In accordance with the fashion prevailing among most of the more important West African tribes, Muslim or pagan, the Jukun too claim Arabia, more particularly Mecca, or East of Mecca, or the Yemen as their original

Among the Arago, about harvest time the chief of Keana "goes into retreat for a period of seven days during which there is silence throughout the town, no sound of axe or hammer being heard . . . On the conclusion of the seven days' retirement, after much blowing of horns in the early morning, the chief appears in public mounted on a horse and adorned with marabout feathers. At a tree near the compound he dismounts, a lamb and fowl are killed, and the blood sprinkled on the branches of the tree. The chief then re-enters his o-pu-nu, or sacred enclosure. On the eighth day he again comes forth in the moonlight and visits the graves of his ancestors. On the ninth day at daybreak the people carry out calabashes of food and pots of beer to the former site of Keana and in the afternoon the chief himself rides out. He is preceded by young men dressed in various coloured cloths round their waists and each carrying a freshly peeled stick, and all proceed to a shrine. (These young men had for several days previously been parading the town with their sticks and spears. Cf. Lev. 23.40)³²⁵ On concluding the business at the shrine the chief returns to his enclosure and the whole town gives itself up to feasting and merriment. The chief reappears clad in his adornments of marabout feathers and is carried on the shoulders of a man, with two assistants at the side."³²⁶

More complete is the account of the corresponding ritual among the Jukun of Wukari. "The Puje festival is held in booths outside Wukari at the close of the harvest, and lasts seven days (Deut. 16.13; Ex. 23.16; Lev. 23.34, 39) It is open to women and strangers (Deut. 16.14), unlike all other religious ceremonies of the Jukun. The word Puje means "booths of menstruation,"³²⁷ and no explanation is given of the term beyond the rationaliza-

home, cf. Meek, *Sudanese Kingdom*, pp. 22, 23, 24. Meek himself noted the resemblance between the biblical Feast of the Ingathering and the African festivals observed and described by him.

³²⁵ In brackets I refer to the corresponding rites of the Hebrew Asif-Sukoth festival as described in biblical passages.

³²⁶ Meek, *Sudanese Kingdom*, pp. 142-143, quoting Mr. A. S. Judd.

³²⁷ Menstruous women have to retire to a special hut until the period is finished, cf. Meek, *op. cit.*, p. 330.

tion that women are permitted to attend the ceremony . . .” The Puje festival cannot be held without the presence of a number of priestly and other high officials. For the festival plenty of beer is prepared which is both drunk and used for libations. While the beer is being prepared, booths or pavillons made of grass (Lev. 23.34, 42; Neh. 8.15-17) are erected at Puje which is situated two miles east of Wukari, for the king and the principal officials. In former times the king slept at Puje the night before the festival, and it was customary to sacrifice a black cow or bull. Lately the king leaves Wukari for Puje early in the morning in a procession which is headed by a woman called “She who runs in front,” without whose participation the festival could not be held. The king rides on a horse escorted by an attendant, who runs beside him holding up the circular tray of woven grass in order to shield the king’s eyes from the sight of the former Jukun capital known as Bioka, lest he die in consequence of perceiving its sight. The king is also escorted by the royal drummer and fiddler, and is surrounded by grooms known as Ba-tovi. Behind the king is carried the couch on which he will rest during the afternoon. Young men carrying peeled sticks (Lev. 23.40) drive off, and may even severely beat, curious onlookers. When arriving at Puje the king performs the daily morning ritual of ceremonial beer-drinking.

At about eleven a. m. the two senior officials visit the site of the former capital Bioka which is close to Puje. Here a mound of sand raised at the basis of a *kirya*-tree (*prosopis oblonga*) marks the spot where the former king of Wukari used to reside. One of the officials stands beside the mound and calls each former king by the name saying: “The king has come to Puje to observe the custom of his predecessors. We have been sent to bear witness of this to you and we bow down before you. Grant that our millets, ground-nuts, and beans may provide us with an abundance of food. Let not hunger invade the land. Do you care for our people that all may live their lives in health and prosperity (Deut. 16.15). Ward off disease and increase our numbers. Close the mouths of all wild animals. May the kings sit on a seat of iron and not of stone” (for iron endures, but stone crumbles away).

When the two senior officials return, the king withdraws in order to perform the daily mid-day rite of ceremonial beer-drinking. On the conclusion of these rites beer and food are freely distributed, and the younger people engage in dancing. In the afternoon the king receives the Angwu Tsi (the chief wife or queen) who, on her dismissal, leads the royal procession back to Wukari. At Wukari, pending the arrival of the king, the people assembled at the capital give themselves up to various forms of amusement (Deut. 16.14; Lev. 23.40). Bands of young men, fully armed, sing and dance the old war dances, women devotees of various ecstatic cults begin those dances of their order which result in a state of dissociation and ecstasy. About five p. m. the royal procession arrives headed by the Angwu Tsi and her courtiers. She is greeted by the people with shouts of "Our corn!" and "Our beans!" expressions applied only to the king and herself. Behind various groups of attendants, dishbearers etc., follow the senior officials riding in at a gallop, then turning swiftly and galloping back to meet the king as he enters the eastern gate amidst loud shouts of welcome from his people. The drummers announce the king's arrival by playing two chants. For the triumphal entrance into the capital the king and his officials wear special gowns or coats. After visiting the north and south gates of the capital the king returns to the palace and there dismisses the people saying: "I thank you all. I have performed the custom of our forefathers." Feasting and dancing are kept up in the town for seven days.³²⁸

Here we have, among a people whose religious life has in all probability been influenced by the ancient Near East, a typical New Year's festival containing all the characteristic features of the ritual pattern of the ancient Near Eastern New Year's festival,³²⁹ and showing in particular great resemblance to the Hebrew Asif-Sukkoth festival.³³⁰ This festival in which the king

³²⁸ Meek, *op. cit.*, pp. 144-153.

³²⁹ Cf. Hooke, *Myth and Ritual*, p. 8.

³³⁰ The correspondences and the resemblances are indeed so clear that it would seem unnecessary to work them out in detail. In the above, much condensed, account we have restricted ourselves to referring to the biblical parallels by quoting the corresponding passages in brackets. The resemblance

played the central role is, moreover, also a feast of repetition or commemoration of the coronation rites.³³¹

The analogy is instructive indeed. It leads us to the inference that not only did the Hebrew king play the central role in the ritual of the Asif-New Year's festival (as shown by Morgenstern) but that this festival in its entirety may have served a double purpose: to render certain the agricultural blessings of the ensuing year and to re-install the king in his office by the repetition or commemoration of his installation ritual, thereby also re-invigorating him and ensuring for him the spiritual-magical properties he must possess in order to make his country fruitful, his people prosperous and his armies victorious.³³² This consideration in its turn lends additional support to the inference of Morgenstern that "the participation in these all-important rites of the king himself was seemingly indispensable."³³³ If the purpose of the feast was also the re-installation of the king in his reign, it is clear that the rites could be carried out only with the participation of the king himself.

Keeping this in mind we shall be able to discern in the ritual of the *sacred fire* a rite which must have originally figured also in the installation ritual of Hebrew kings. The extant texts, it is true, do not mention the ceremonial extinguishing and rekindling of the sacred fire in connection with the installation

between the Puje and the Sukkoth as celebrated in the Second Temple, the s. c. "Joy of the House of Water-Drawing," is still greater. This festival is described in detail in Patai, *Man and Earth in Hebrew Custom, Belief and Legend* (in Hebrew), vol. II (Jerusalem, 1943), pp. 161-192, and *Man and Temple*, chap. II, Edinburgh, 1947. Attention should here be drawn in particular to one common feature of both festivals, which is not obvious. Neither the biblical references to the Asif-Sukkoth festival — with the exception of Zech. 14.16-19 — nor Meek's description of the Jukun Puje contain any statement as to the securing of the seasonal rains being one (or the chief) purpose of the celebrations. That this was nevertheless the case with the Hebrew festival, I have shown in my *Man and Earth*, II, 161 sqq., and the same can be inferred as to the Puje from a comparison of this festival with the Jukun rain-making ritual performed in case of drought, cf. Meek, *op. cit.*, pp. 282 sq.

³³¹ Meek, *op. cit.*, p. 139.

³³² Cf. Patai, *Man and Temple*.

³³³ Morgenstern, "A Chapter etc." *AJSL*, 55 (1938), p. 23, note 63.

ritual, but we have ample evidence to show that this rite was part and parcel of the New Year's ritual.³³⁴ This in itself would, after all that has been said above, enable us to draw the inference that also the ritual of the king's installation must have contained the fire rite.³³⁵ In addition, in the description of the priestly consecration there is a statement to the effect that "there came a fire out from before the Lord and consumed upon the altar the burnt offering and the fat, which when all the people saw, they shouted and fell on their faces."³³⁶ As the priestly consecration ritual was patterned after the installation ritual of kings,³³⁷ we have here a confirmation of our inference that the extinguishing and subsequent ceremonial rekindling of fire originally constituted a part of the installation ritual of Hebrew kings.

This inference is further strengthened by reference to the African installation ritual, the correspondence with which is already overwhelming as it is. In Africa the fire ritual has been preserved in what would seem to be an older, fuller version. Here too we find the custom of extinguishing all the old fires every year and receiving new fire given by the king.³³⁸ Among the Nyamwezi this rite was carried out every year at the harvest feast.³³⁹ In the great majority of cases, however, the fire of the king was kept going as long as the king lived. When the king died the fire was extinguished, as were also the fires in his entire domain. In connection with his coronation the new king lit a new fire³⁴⁰ frequently by drilling (which was understood to be symbolic of the sexual act) and from the new fire of the king were then rekindled all the fires of the country.³⁴¹ The possible or even probable connection of these African fire rites with those

³³⁴ I Chron. 21.26 (II Sam. 24.25); II Chron. 7.1 (I Ki. 8.1-11); I Ki. 18.38. Ginzberg, *Legends of the Jews*, III, 244. Cf. Morgenstern, "Amos Studies II," *HUCA* XII-XIII (1937-38) pp. 12-13; *AJSL*, 55 (1938), p. 9 with note 23; *HUCA*, XV (1940), p. 179.

³³⁵ As to the role of fire in the Sukkoth celebrations in the Second Temple, cf. Patai, *Man and Temple*.

³³⁶ Lev. 9.24; cf. Morgenstern, *AJSL* 55 (1938), pp. 15 sqq.

³³⁷ Cf. below, pp. 219 sqq.

³³⁸ E. g. in Monomotapa, Irstam, *op. cit.*, p. 139.

³³⁹ *Op. cit.*, p. 140.

³⁴⁰ *Op. cit.*, p. 56, point 17.

³⁴¹ *Op. cit.*, p. 141.

of the ancient Near East is indicated by a legend of the Hungwe according to which their forefathers who introduced the custom of having a new fire kindled by each new king, came from the north,³⁴² and by an Egyptian representation of a Sed-festival of Amenhotep III at Soleib, south of Wadi Halfa, in which the sacred fire is shown being passed from one priest to another "and possibly lit by the Pharaoh himself."³⁴³ In the light of these data, the existence of the fire rite in the ancient Hebrew installation ritual may be regarded as probable.

The same considerations and the same chain of reasoning will make it very likely that a substitute king, who functioned during the eight days of the Asif-New Year festival, figured already at the installation ritual. What precisely were the tasks of this substitute king, we do not know, but Morgenstern has shown reason to suppose that he was of a Saturnalian character, in accordance with the general freedom from authority and wide licence which seem to have been the order of the day during this festive period.³⁴⁴

XI

One of the few remaining rites of the African installation ritual the presence of which in the corresponding Hebrew ritual we have not yet investigated is no. 18, "The king scattered beans, grains or the like among the people."³⁴⁵

³⁴² Frobenius, *Erythräa*, Berlin u. Zurich, 1931, pp. 144 sqq. as quoted by Irstam, *op. cit.*, pp. 139, 141.

³⁴³ Seligman, *Egypt and Negro Africa*, p. 53.

³⁴⁴ Morgenstern, *AJSL* 55 (1938), pp. 22 sqq.; *HUCA* XII-XIII (1937-38), p. 50, n. 82, where he also refers to evidence showing the existence of the same practice also in ancient Babylonia. Cf. Frazer, *The Golden Bough*, *The Scapegoat*, London, 1917, pp. 306-417. Vieyra, "Rites des purification Hittites," *Revue de l'hist. des rel.* 19 (1939) pp. 139 sqq.; Engnell, *Studies*, pp. 17 with note 6, p. 59 and 67 (Hittite), 129 sq. (Ras Shamra). As to the African substitute-king, cf. Irstam, *op. cit.*, pp. 74-78.

³⁴⁵ Irstam, *op. cit.*, p. 56 and 72. Beans are staple food in Africa. The king is hailed as "our beans!" cf. Meek, *Sudanese Kingdom*, pp. 151 sq. In accordance with the prevailing money-economy of Dahomey, the king, on his entoolment, distributed large quantities of cowries to this people. Cf. M. J. Herskovits, *Dahomey*, i, 80.

Now, as to the existence of this rite in the ancient Hebrew coronation ritual, we have no direct evidence. It can, however, be inferred in much the same manner in which we have arrived at the conclusion that the fire rite in all probability constituted a part of the installation ritual. Thanks to such evidence as has survived in the Bible and elsewhere, Morgenstern was able to conclude that the eating of raisin cakes "was a part of the celebration of the main annual agricultural festivals of the Northern Semitic peoples, and particularly of the Maššōt and Asif festival in ancient Israel and the corresponding festivals among their neighbours."³⁴⁶ Moreover, from II Sam. 6.19 = I Chron. 16.3 Morgenstern also deduced that it was presumably on New Year's day that David brought up the ark to Jerusalem and installed it in his tent-sanctuary there. The verse in question tells that David "distributed among all the people, even among the whole multitude of Israel, to men as well as to women, to every one a cake of bread, an *ešpar*, and a raisin cake..." This is not the place to enter into the question of the exact meaning of *ešpar*; but in view of the fact that the other two gifts distributed by David were articles of food made of grain, we may accept the Septuagint's translation (in I Chron. 16.3) of this word as "sweet cake" (*ἀμορίτης*). We have thus the description of a New Year's rite in which the king distributed certainly two and possibly three sorts of cakes among the people. In the parallel narrative in I Chron. 16.3 there is a slight variation: instead of "cake of bread" (חלה לחם) the text has "loaf of bread" (ככר לחם). We argued above that rites carried out by the king on New Year's day are in all probability repetitions of corresponding rites belonging to the installation ritual, and we would contend that the argument holds good in this case too. This inference is strengthened by the following considerations: In the ritual of the priestly consecration (which, as repeatedly indicated above and as shown in detail below, was formed after the ritual of the king's installation) there figured a rite carried out with three kinds of baker's ware. Aaron and his sons had to "wave before God" these three kinds of bread the names of which are given

³⁴⁶ Morgenstern, *AJSL*, 55 (1938), pp. 7 sq. with note 22.

in somewhat different versions. They are: an unleavened bread (לחם מצות), an unleavened cake tempered with oil (בלולות בשמן ריקי), and an unleavened wafer anointed with oil (קצות בשמן משוחות). Thus in Ex. 29.2. In the same chapter a few verses later (v. 23) we read: one loaf of bread (ככר לחם אחת), one cake of oiled bread (חלת לחם שמן אחת) and one wafer (ריקי אחד). Again in Lev. 8.26 we read: one unleavened cake (חלת מצה אחת), a cake of oiled bread (חלת לחם שמן אחת), and one wafer (ורקי אחד). Though the nomenclature differs, it seems clear that all the three verses designate the same three kinds of baker's ware: a bread (לחם), a cake (חלה) and a wafer (ריקי). Of the three kinds of baker's ware distributed by David, two, the *ešpar* and the raisin cake (אשישה), are not mentioned among the baker's ware used in the consecration of Aaron and his sons. But the third, or rather the first, is mentioned, and even in both the versions of Sam. (חלת לחם) and of Chron. (ככר לחם) cf. Ex. 29.23. We thus see that three kinds of baker's ware had their special role in connection with the consecration of priests. Above we referred to the two loaves of bread given to Saul by a man carrying three sacrificial breads (I Sam. 10.3-4). This happened in the course of Saul's installation. While these instances clearly show the role played by bread given to the person being installed, the distribution of baker's ware by David at a New Year's festival, when taken together with the African installation ceremony of scattering beans and other cereals among the people, strongly suggest that this too was a Hebrew installation rite.

The African kings often have a special connection with the moon.³⁴⁷ One of the outstanding features of this connection is the performance of rites and the arranging of festivities by the king every new moon.³⁴⁸ Among the Zumu (a Bata speaking tribe of Northern Nigeria) each month the day after the new moon was sighted the king repairs together with his family to the shrine where he says: "We are now about to perform the monthly custom which has been handed down to us by our forefathers . . ." Then the chief and all members of his family, including females

³⁴⁷ Cf. Irstam, *op. cit.*, pp. 122 sqq.

³⁴⁸ *Op. cit.*, p. 128. Meek, *Tribal Studies*, I, 72 sq., 547 sqq., II, 494, 542 sq., *Sudanese Kingdom*, pp. 123 sqq.

and children who are old enough to drink beer, partake of a draught of sweet beer. "No member of the royal kindred may absent himself from these rites unless he is prevented from attending by illness."³⁴⁹ "Every month king Rumanika in Karagwe held new moon festivities. These included beating on many drums and dancing, as well as — and this was the most important feature — a declaration of allegiance on the part of chiefs, official and other subjects, to the king.³⁵⁰ Among the Baganda at each new moon a ceremony is performed which seems to be intended to ensure the king's life and health throughout the ensuing month.³⁵¹

Of special interest for us is the following account of a ceremony repeated every new moon in Monomotapa, as reported by the Asia Portuguesa of Manual de Faria e Sousa (pp. 24 sq.) and quoted after Frazer by Irstam: "On the day the new moon appears, the king with two javelins runs about in his house as if he were fighting. The great men are present at this pastime . . . The greatest holy day is the first day of the moon of May . . . On this day all the great men . . . resort to court, and there with javelins in their hands run about representing a fight." Eight days later the king "orders the nobleman he has the least affection for to be killed; this is in the nature of a sacrifice to his . . . ancestors . . ."³⁵²

These African new moon rituals naturally remind us of the new moon meals of Saul (I Sam. 20.5, 18, 24-34). These meals were held regularly (cf. v. 25: כַּפֶּעַם בַּפֶּעַם) at every new moon at the king's table (v. 29: שְׁלַחַן הַמֶּלֶךְ) for two successive days, on the first and second day of the new moon (v. 27). The king himself sat on his special seat at the wall, i. e. at the head of the table, and each one of the king's family and the court had his

³⁴⁹ Meek, *Tribal Studies*, I, 72 sq.

³⁵⁰ Irstam, *op. cit.*, p. 128, quoting J. H. Speke, *Journal of Discovery of the Source of the Nile*, London, 1863, pp. 224 sq., and E. Jonveaux, *Two Years in Africa*, London, 1875, pp. 366 sqq.

³⁵¹ Roscoe, *JRAI* XXXII (1902), pp. 63, 75, as quoted by Frazer, *Adonis*, p. 375.

³⁵² Frazer, *The Native Races of Africa and Madagascar*, London, 1938, pp. 14 sq.; P. Schebesta, "Die Zimbabwe-Kultur in Africa," *Anthropos* XXI (1926), p. 496, as quoted by Irstam, *op. cit.*, pp. 126 sq.

fixed place, so that when anyone was missing his place was left empty (vv. 25, 27). Only persons ritually impure were excused from being present at these meals (v. 26), or probably even forbidden to partake of them. If somebody was absent without such a valid reason, this could be interpreted by the king as treason (vv. 27-31).³⁵³

Let us now summarize the features we have found in the installation ritual of Hebrew kings, in the order set forth by Irstam in his study of the African sacral kingship. (The individual rites will be numbered by the numbers appearing in Irstam's list.)

1. The Hebrew king was conceived of as being reborn at the time of his installation as the son of God.
2. He was dressed in purple royal robes.
4. The prophet or the person functioning as his anointer, addressed him. The king answered. He was proclaimed as king.
5. A real fight preceded the king's final installation. The king's (ritual) victory over his enemies is often alluded to.
6. After the initial stage the installation ritual was interrupted for the duration of a week.
7. The king received communion by partaking of a sacrificial meal.
8. He was baptized.
9. He mounted a hill, the Bamah, or the "pillar."
10. The king set up for himself a memorial pillar.
11. He was admonished by the prophet and promised to follow the divine instructions.
12. The king was anointed with oil.

³⁵³ Cf. the comments of R. Levi ben Gershom ad v. 26. The king is likened to the moon in Ps. 89:38: "It [the throne of David, cf. vv. 36-37] shall be established for ever as the moon . . ." Acc. to the Talmud, B. Rosh Hash. 25a, "Rabbi [Jehuda the Patriarch] said to R. Hiyya: Go to Ein Tab and consecrate the new moon, and send me a sign: "David the king of Israel lives and exists!" " The medieval commentator Rashi (*ad loc.*) connects this saying with Ps. 89:38. The words "David the king of Israel lives and exists" form to this day part of the Jewish liturgy recited every month at night time to consecrate the new moon.

14. The king received as his regalia a spear, a shield, etc.
15. The king sat on the throne.
16. The king was crowned.
17. A fire rite took place.
18. The king distributed baker's ware among the people.
20. He made the round of his domain.
21. Festivities were held.
22. The king was made the butt of the people.
24. Human sacrifices.
26. Substitute king.

We have thus found 21 points of the 27 of the list compiled by Irstam. This is three points more than the maximum number of points found in the most complete ritual of a single African people (the Ganda) and much higher than the average number of points to be found among the majority of the 62 peoples studied by Irstam. This exceptionally high number of points justifies the assumption made at the beginning of this paper that the ancient Hebrew installation ritual, being nearer to the original pattern than its African counterpart, must have been the richer of the two both in structure and in detail.

The correspondence of the patterns, however, does not end with the points included in the list. In the course of our investigations we have found quite a number of additional ritual features of the ancient Hebrew kingship which too have their counterpart in Africa. These can be subsumed under the following fifteen headings:

1. The king is chosen by both electors and oracle.
2. A high official (priest, prophet) functions at the election as well as at the installation.
3. Animosity or incompatibility exists between this official and the king.
4. The king must be of unblemished body, healthy, strong and beautiful.
5. The king must not defile himself with a dead body.
6. Ceremonial marriage in a special hut.
7. The king marries the widow of his predecessor.
8. The king rides on a mount.

9. The king hides, is sought and found.
10. The "shooting of the nations."
11. Ritual combat omitted in case real fighting goes on.
12. Installation ritual very protracted.
13. Periodical (annual, on New Year's day) repetition of installation rites.
14. Monthly new moon festivals.
15. The king is the chief priest of his people.

The above treatment of the ritual features in the Hebrew royal installation in general and in the installation of Saul in particular, may seem to overemphasize the typical, that is the ritual side, while neglecting or even taking no account of the unique historic character of the installation of each Hebrew king and especially that of Saul, first king of Israel.^{353a} I wish, therefore, to stress that I am fully aware both of the historicity of the biblical Saul-traditions and of the fact that a comprehensive scientific treatment of them should aim in the first place at a full historic grasp of the particular chain of events which brought about the election and installation of Saul as first king of Israel. Leaving, however, this greater task aside, I confined my investigations — as far as they touch upon Saul — to a lesser problem which may be formulated as follows: on what ritual precedents did the actors in the historic drama of Saul draw when performing the various rites of the installation ritual; and, further, which of the historic events and actions recorded in our sources were consciously planned so as to conform with a pre-existing ritual pattern?

There is, however, in my opinion no sufficient justification for setting ritual performance and historical occurrence one opposite the other as two mutually exclusive concepts. After all, even a ritual takes place somewhere and sometime in history. A ritual is performed within a given historical setting and it has a direct bearing on events preceding and following it, and this is particularly true of a ritual such as a coronation ceremony which is a

^{353a} It was Prof. M. Buber who, after reading the manuscript of this study drew my attention, among other valuable suggestions, to this point. The passage which follows *infra* was thereupon added by me by way of clarification.

political ritual par excellence. The installation ritual of Saul, being the first of its kind in Hebrew history, was surely an event of great moment. Nothing is detracted from the historicity of such an event when it is pointed out that certain actions performed in its course were not conditioned by a unique historical constellation but by a pre-existing ritual pattern — in this case the royal installation. The very demand for a king, though unquestionably born out of a particular historical situation, nevertheless implies a knowledge of what kingship is. In our case the people expressly clamoured for kingship as known to them from their neighbours: "Give us a king to judge us like all the nations" (I Sam. 8.5). Again, when they or their leaders came to install their king, they drew upon installation rites known to them. Thus it should be clearly understood that even though a ritual was performed in full accordance with a pre-existing pattern, the performance itself was nevertheless a historical event.

XII

It remains to follow the Hebrew installation ritual into post-exilic times, when the greatest part of the king's ritual functions was transferred to the high-priest.

Morgenstern has drawn attention to the fact that in Zech. 3.1-8a and 4.11, 14, we have a vision of the installation of Joshua as high priest and that the prophet's account of the anointing of Joshua and his symbolic clothing with the robes of his new office is the forerunner of the much more elaborate account of the anointing of Aaron and his sons and their clothing in official robes in Lev. 8.1 sqq.³⁵⁴ He has also pointed out that the two men figuring in Zecharia's vision "are consecrated and inducted into their holy office by anointing with the sacred oil, precisely as was the king in the pre-Exilic period. It was this ceremony of anointing with the holy oil which established this chief priest, with his new office and peculiar duties, as the successor of the pre-Exilic kings as the recognized head of the theocracy of Judah . . ."³⁵⁵ The "anointed priest" (הכהן המשיח, Lev. 4.3, 16;

³⁵⁴ Morgenstern, *AJSL* 55 (1938), p. 192, n. 89, cf. pp. 188-192.

³⁵⁵ *Op. cit.*, p. 192.

6.15) "had taken the place in the cult formerly held only by the king.³⁵⁶ At a later period the place of the "anointed priest" was taken by the "high priest" (כהן גדול), and he too was "inducted into his high and sacred office by the rite of anointing with the holy oil . . ."³⁵⁷ Again, Morgenstern has shown that the consecration of the priests, the "anointed priests" as well as the "high priests", took place on New Year's day, and that the original account of the ordination and installation of Aaron told that this was celebrated upon the New Year's day as the culmination of the ceremonies of the dedication of the tabernacle in the wilderness, which on its part was modelled after the account of the dedication of Solomon's Temple in I Ki. 8.³⁵⁸

We may thus distinguish three stages in the history of high priesthood: in the first, the pre-exilic stage, the king functioned as chief-priest; in the second, the early post-exilic stage, it was the "anointed priest"; while in the third, the later post-exilic stage, reflected in Lev., it was the "high priest."³⁵⁹

African peoples, to whose parallel customs and institutions we have constantly referred in this study, are still in the first stage. Among them it is the king who functions as chief-priest of his people, who performs (in some places only once a year) the most important ceremonies intended to bring prosperity and fertility, to procure rich harvests and large herds of cattle for his people.³⁶⁰

But to return to the Hebrew priesthood, it now remains to

³⁵⁶ *Op. cit.*, p. 187 with reference in the notes to North, "The Religious Aspects of Hebrew Kingship," *ZATW*, N. S. IX (50), (1932), pp. 13-17. Cf. also Albright, *AJSL* 35 (1919), pp. 185 sq.

³⁵⁷ Morgenstern, *op. cit.*, p. 368.

³⁵⁸ Morgenstern, *HUCA* I (1924) pp. 44-48, esp. p. 46; *AJSL* 55 (1938), pp. 15 sq., 368; cf. also *HUCA* XVII (1944), p. 126, n. 472.

³⁵⁹ Wellhausen, *Prolegomena*⁶, Berlin, 1905, pp. 143 sq., argued that up to the exile the sanctuary was property of the king and the priest was his servant; in post-exilic time, on the other hand, the high priest stood at the head of the nation, he was invested with anointing, was crowned with diadem and tiara and clothed in purple — like a king.

³⁶⁰ Cf. Irstam, *op. cit.*, pp. 30 sq., 119 sqq. The same was the purpose of the Sukkoth festival, cf. Patai, "The Control of Rain in Ancient Palestine," *HUCA* XIV (1939), pp. 258 sqq.; id., *Man and Earth* (in Hebrew), II, 161 sqq.; id., *Man and Temple*, pp. 24 sqq.

be seen, whether in the two successive post-exilic periods we can discern the installation rites, or rather ordination-rites, as we have done concerning the pre-exilic installation of kings, and if yes, whether these rites will more or less be in conformity with the pattern of the royal installation.

The material covering the second period is unfortunately very meagre. It is contained only in the vision of Zecharia referred to above, and in a prophetic vision we shall, evidently, not expect to find even so much information as to details of a ritual as in a historical narrative. Nevertheless, it would seem, that the following features of the originally royal installation ritual may be discerned in the vision of Zecharia:

2. ³⁶¹ The priest is divested of his ordinary cloths (here referred to as "filthy garments" in order to heighten the contrast between them and the priestly robes) and dressed in official robes.³⁶²
1. The consecrated priest is freed from all sin that hitherto attached to him, the implication being that he is reborn (v. 4) in a divine character (v. 7).
16. He is crowned with a "pure mitre" (v. 5) and a golden and silver crown (ch. 6, v. 11: עטרה).
11. He is admonished to fulfil his duties in a just manner (vv. 6-7).
12. He is anointed with oil.³⁶³

One additional point: the number seven, characteristic of the Hebrew royal ritual, reappears here too (v. 9).

Incomparably richer are the data pertaining to the third stage. Here at last we have a full description of a ritual, extending to every detail.

10. We have already pointed out that just as the first king was chosen by an oracle, also the (traditionally) first high-

³⁶¹ The numbers again refer to the corresponding numbers in Irstam's list, cf. above, pp. 147 sq.

³⁶² בגדים v. 5; מלצות v. 4; cf. the note of Morgenstern, *AJSL*, 55 (1938), p. 190, n. 82.

³⁶³ Implied by ch. 4, vv. 11, 14; cf. Morgenstern, *AJSL*, 55 (1938), pp. 191-192.

priest, Aaron, was chosen by the oracle of the budding rod.³⁶⁴ In the rod of Aaron we may also see a reference to the life-tree.³⁶⁵

2. Aaron was invested with the priestly vestments (Ex. 28.4-5, 34; 29.5; Lev. 8.7).
6. Aaron and his sons retired for seven days and seven nights into the tabernacle (Ex. 29.35; Lev. 8.33, 35-36).
7. Aaron and his sons received communion at the door of the tabernacle: holy meat and bread (Ex. 29.31-34; Lev. 8.31).
8. They were washed with water (Ex. 29.4; Lev. 8.6).
11. They were admonished by Moses to keep the commandments of God and they "did all the things which the Lord commanded by the hand of Moses" (Lev. 8.31-36).
12. Aaron was anointed with oil (Ex. 29.7; 30.30; Lev. 8.12).
14. He was given the priestly "regalia" (Ex. 28; 29.5; Lev. 8.8).
16. He was crowned with the mitre and the crown (Ex. 29.6; Lev. 8.9).³⁶⁶
17. The fire rite was performed (Lev. 9.24).³⁶⁷
24. On the same day two of the sons of Aaron were killed by the fire of the Lord (Lev. 10.1-2). But "Aaron kept quiet" (ib. v. 3).³⁶⁸

To a number of additional rites of the priestly consecration

³⁶⁴ Num. 17.16-26. Cf. above, p. 154.

³⁶⁵ Patai, *Man and Earth* (in Hebrew), I, 231-239.

³⁶⁶ At the great Syrian sanctuary at Hierapolis the chief priest (*ἀρχιεὺς*) who, incidentally, held office for only one year and was then succeeded by another chief priest, was clothed in purple robes of office and wore a golden tiara upon his head, cf. Lucian, *de Dea Syria*, 42, as quoted by Morgenstern, *AJSL*, 55 (1938), p. 368, n. 121.

³⁶⁷ Cf. Morgenstern's studies quoted in notes 334 and 336.

³⁶⁸ וידום אהרן. This should be compared with Saul's keeping quiet, I Sam. 10.27, ויהי כמחריש, cf. above p. 181. In both cases a newly anointed person, here the high-priest, there the king, suffer silently an occurrence which under normal (i. e. non-ritual) circumstances would evoke a most violent reaction. The parallelism of Aaron's silent bearing of his bereavement with Saul's silent bearing of the derision not only confirms our ritualistic interpretation of both Saul's and his derider's behaviour, but also makes the death of Aaron's two sons appear as having a ritual colouring. Cf. Morgenstern, *AJSL*, 55 (1938), pp. 364 sqq.

which may be compared to similar rites of the royal installation ritual, reference has repeatedly been made above.³⁶⁹

The immediate continuation of the narrative of Aaron's consecration is found in Lev. 16.³⁷⁰ This chapter contains in the form of divine instruction given to Aaron through Moses, a detailed description of the ritual to be performed on the tenth day of the seventh month, that is on the day on which in pre-exilic times the New Year ritual was performed by the king. A close scrutiny of this ritual will show that it is but a shortened version (with a few insignificant additions) of the consecration ritual of Aaron and his sons which reached its peak on this very day. The ritual deals with the preparation of the priest and with the sacrifices to be offered up. The first can be summed up in the following points:

2. The priest was dressed in "holy garments" (Lev. 16.4, cf. v. 32).
8. He had to "wash his flesh in water" (vv. 4, 24, cf. 26, 28).
16. On his head he was attired with a linen mitre (v. 4).

As to the sacrificial ritual, we did not detail this above when dealing with the consecration of Aaron. It seems, however, worthwhile to place side by side the two sets of sacrifices, that of the consecration of the priest (Aaron) and that of the tenth day of the seventh month, to make thus the correspondence of the two clear.

Lev. 9 <i>The Consecration of Aaron</i> vv.	Lev. 16 <i>The Ritual of VII/10.</i> vv.
2 A young calf for sin offering.	3 A young bullock for sin offering.
2 A ram for burnt offering.	3 A ram for burnt offering.
3 For Israel: a he-goat for sin-offering.	5 For Israel: two he-goats for sin-offering.
3 For Israel: a calf and a lamb for a burnt-offering.	5 For Israel: A ram for a burnt-offering.
4 For Israel: an ox and a ram for <i>shelamim</i> .	

³⁶⁹ Cf. pp. 163, 166 sq. and 212 sq.

³⁷⁰ Cf. Morgenstern, *HUCA* I (1924), p. 25.

- 4 For Israel: *minha* with oil.
- 7 Moses said to Aaron: . . . offer thy sin-offering and thy burnt-offering and atone for thyself
- 8 and for the people . . . Aaron . . . slew . . .
- 9 Aaron dipped his finger in the blood of the calf of sin-offering and put it upon the horns of the altar and poured out the blood at the bottom of the altar.
- 12 He slew the burnt offering and sprinkled its blood round about the altar.
- 15 The people's offering: ditto.
- 18 The ox and the ram: ditto.
- 10 The fat and other parts of the sin offering are burnt upon the altar.
- 19-20 The fat of the ox and the ram etc. — ditto.
- 11 The flesh and the hide of the calf of sin offering he burnt with fire without the camp.
- 23 Moses and Aaron entered the tabernacle with censers on which they burned incense.³⁷²
- 6, 11 The priest shall offer his bullock of the sin offering and atone for himself and his house.
- 14 The priest shall take of the blood of the bullock of sin offering and sprinkle it with his finger upon the mercy seat (*kapporet*) eastward; and before the mercy seat (i. e. on the ground) he shall sprinkle of the blood seven times.
- 15 The same rite to be repeated once with the blood of the he-goat of sin offering within the Veil.
- 18 He shall take of the blood of both the bullock and the he-goat, put it upon the horns of the altar round about and shall sprinkle of
- 19 the blood upon the altar with his finger seven times.³⁷¹
- 25 The fat of the sin offering he shall burn upon the altar.
- 27 The bullock and the he-goat of sin offering shall burn in the fire, their skins and their flesh and their dung without the camp.
- 12-13 A censer with incense shall be brought by the priest before God within the Veil.

³⁷¹ Cf. Ex. 30.10.

³⁷² This can be concluded from 9.23-24 compared with 10.1-2; 16.12-13; Num. 16. Cf. also Morgenstern, "On Lev. 10.3," *Paul Haupt Anniversary Volume*, pp. 97-102.

- 23 The glory of God appeared to all the people (cf. 4.6). 13, 17 Not even the officiating priest might see the "mercy seat."
- 21 The waving. 7-10, 21-22, 26 The scapegoat.
- 22-23 The blessing of the people.
- 7 *Purpose of the ritual*: to atone for Aaron and the people. 11, 16, 20, 24, 30, 32-34 *Purpose of the ritual*: an annual atonement for the sanctuary, the priests and the people.

It is clear that the two rituals are much more than basically identical. The identity extends, in fact, to every detail, so much so that there can be no doubt as to one of them being modelled after the other. It follows, moreover, from the very nature of things that it is the annual recurrent ritual which must have been patterned after the consecration ritual and not vice versa. In this conclusion we are strengthened by comparing the sacrifices offered at these two occasions with the earlier sacrifices offered at the dedication of the temple of Solomon, and with the still earlier ones of Saul on the occasion of his installation as king. In the annual atonement ritual we found two types of offerings: sin offerings (חטאת) and burnt offerings (עולה). In the priestly consecration, which was at one and the same time also the (traditional) consecration of the tabernacle, there figured in addition to these two also *shelamim* and *minḥa*. At the dedication of Solomon's temple he offered burnt offerings, *shelamim* and *minḥa* (I Ki. 8.63-64). Saul at his installation offered only burnt offerings and *shelamim* (I Sam. 10.8; 11.15; 13.9-10). Thus the two original types of sacrifice, the burnt offerings and the *shelamim*, persisted from Saul's days down to the post-exilic description of the consecration of the priest and the dedication of the tabernacle. When Solomon dedicated his temple, he added the *minḥa*. At the priestly consecration another addition was made, that of the sin offering. Finally, in the annual atonement ritual the *shelamim* and the *minḥa* were omitted.

The conclusion that the annual atonement ritual was patterned after the ritual of the priestly consecration and the dedication of the tabernacle closes the circles of both our argument and our present investigation. For in this conclusion the final proof may be seen of our contention that also the pre-exilic

New Year's ritual was modelled after the installation ritual of kings. The all-important role played by the pre-exilic king in the New Year's ritual thus appears in a new light. It was not merely as the chief-priest of his nation that the king functioned on this fateful day; it was also in his capacity as a magic king in whom superhuman powers dwell³⁷³ that he had to perform a partial or abridged repetition of his installation ritual in order to re-invigorate himself for the duration of the ensuing year with the divine power and spirit which was first allotted to him on the day of his coronation.

In Israel this magico-ritualistic aspect of kingship declined and as good as disappeared in post-exilic times. The king gave place to the high-priest, who on his part retained the "magical control of nature" not institutionally but only in popular imagination. Magical kingship in Africa, on the other hand, deriving from the same ancient Near Eastern source, showed an opposite trend of development. The magical powers of the king were here on the increase, and though here too he had to delegate much of his functions to priestly sorcerers, he nevertheless retained power enough to keep him in the centre of the magical world-view of his people. That in spite of these divergent directions of development African and Hebrew installation rites can be shown to possess such a surprising similarity, is due to two facts: to the extraordinary powers of persistence and tenacity of ritual in general and of royal ritual in particular, thanks to which African installation rites survived during uncounted centuries practically unchanged; and to the lucky accident that in Hebrew literary pieces of nearly three millennia so much material has been preserved in the form of either plain statement or interpretable allusion, pertaining to the royal and priestly installation ritual. The African material helped to elucidate quite a number of Scriptural passages which would otherwise have remained obscure; on the other hand the similarity between the Hebrew and the African rituals is significant when regarded in connection with the dependence on the ancient Near East of many a feature in the African cultural configuration.

³⁷³ Cf. Patai, *Man and Temple*.

THE ORIGIN OF THE WINGED ANGEL IN JEWISH ART

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I. INTRODUCTION

IN the library of Princeton University, Princeton, N. J., is to be found a Hebrew manuscript from Italy of the 15th century. Among the miniatures on this manuscript is a scene in which a messenger of God appears to Jacob, during Jacob's sojourn at the house of Laban, and counsels Jacob to return to his home. The messenger of God looks very much like the Christian angels of the early Renaissance and shows, like these, magnificent wings extending from his back. Erwin Panofsky who has examined this manuscript minutely¹ notes, concerning the winged angel, that he appears, here and in contemporary manuscripts, for the first time in Jewish art.

This view goes back to the late Ernst Cohn-Wiener who observes with regard to angel representations of the same period and origin: "Never before had angels as winged genii been ventured in Jewish manuscripts."²

As I was reading Panofsky's article, there came to my mind a representation of winged angels dating from a period far earlier than that to which Panofsky refers. This appears in a Hebrew manuscript of the British Museum (Add. 11 639). The manuscript, dating from the latter half of the thirteenth century, contains a scene in which four cherubim guard the tree of life (Ill. I), and these cherubim, slender forms, have wings attached to their backs. When I called Panofsky's attention to this, he

¹ Erwin Panofsky, "Giotto and Maimonides in Avignon," *The Journal of the Walters Art Gallery*, IV, 1941, pp. 27 ff.

² Ernst Cohn-Wiener, *Die Juedische Kunst. Ihre Geschichte von den Anfängen bis zur Gegenwart*, Berlin 1929, p. 183.

replied first by letter and later in the course of an addendum to his article.³ He writes that he had indeed overlooked this miniature but "it should be noted that this manuscript is considered to be the work of a professional illuminator in Metz, who had before him the best examples of northern French early Gothic book illumination." Panofsky notes that the publisher of the miniature herself uses these words.⁴ "Thus" continues Panofsky, "this instance is one of the proverbial exceptions which confirm the rule."

After further searching, I did not find it difficult to discover other representations of winged angels in Hebrew manuscripts of the Middle Ages. I mention the following:

1. A Psalter of the twelfth century transcribed by a Spaniard on the Island of Rhodes.⁵ The artist illustrates the beginning of Ps. 126 with two dreaming men, alongside of whom are placed two winged angels. These are the seraphim who, according to ancient Jewish lore, carry the dreams of men up to God.⁶

2. A German *Mahzor* of the late thirteenth century in the Bodleian Library at Oxford, England (Cod. 2373). Here is to be seen a winged angel who, in keeping with late Jewish conceptions, acts as a representative of God, handing over to Moses the Tables of the Law.⁷

³ Also in *The Journal of the Walters Art Gallery*, V, 1942, p. 126, note 1.

⁴ Cf. Zofja Ameisenowa, "The Tree of Life," *Journal of the Warburg Institute*, II, 1939, p. 338.

⁵ Today the Psalter is to be found in the Library at Parma, Cod. Ross. 1870. Reproduction in the Hungarian work of Ernst Munkacsy, *Illuminated Manuscripts in Italian Libraries*, Budapest, n. d. fig. 74.

⁶ The interpretation which regards these forms as seraphs can be traced back to Midr. Rab. on Ecc. 10.20: "And that which has wings shall tell the matter." "R. Bun said: 'When a man sleeps the body tells [what has been done] to the spirit, the spirit to the soul, the soul to the angel, the angel to a cherub, and the cherub to that which has wings. Who is that? The seraph, and the seraph carries and relates it before Him at Whose words the universe came into being.'" Soncino Edition, London, 1939, p. 282. For this reference, I am under obligation to Dr. Isaiah Sonne. Let me take this opportunity to thank also Dr. Alexander Guttmann for his kind assistance at various points.

⁷ A reproduction is to be found in the work of Rahel Wischnitzer-Bernstein, *Symbole und Gestalten der Juedischen Kunst*, Berlin-Schoeneberg, 1935,

3. A Spanish Haggadah to be found in the British Museum (Add. 27210) and dating from the late thirteenth century. Here we see a winged angel appearing to Moses at the burning thorn-bush.⁸

4. The Haggadah of Serajevo, a Spanish copy of the early 14th century. This pictures Jacob's dream at Beth-El. Angels, their heads concealed by their wings, ascend and descend the heavenly ladder.⁹

5. A German *Mahzor* of the early fourteenth century in the University Library at Breslau, Germany. Here, a winged angel appears to Abraham as he is about to sacrifice his son.¹⁰

This leaves no room for doubt that winged angels were pictured both in Sephardic Judaism and in Ashkenazic Judaism centuries before the Renaissance. We must grant, of course, that all of the angels here mentioned have had shapes influenced by Christian art. But was it always thus? Do winged angels appear in Jewish art only where there existed works of Christian art that could serve as models?

That Christian art produced the winged angel is the prevailing view. At first the angel appears in Christian art wingless. He receives wings not earlier than the fifth century. It is believed that heathen figures such as goddesses of victory and other winged forms provided the models. In opposition to this view, the present article seeks to show that, while winged angels were doubtless influenced by winged forms of heathen derivation, this influence operated a few centuries earlier and touched not

reproduction 20. With regard to angels as the supplementation of or the substitutes for God at the Sinai Revelation, see Josephus, Ant. XV, 5, 3. Cf. also Louis Ginzberg, *The Legends of the Jews*, Philadelphia, III, 1911, p. 94, and Jehoschua Guttmann, "Engel in der apokryphen Literatur," in *Encyclopaedia Judaica*, VI, col. 635.

⁸ Reproduction in the work of Jacob Leveen, *The Hebrew Bible in Art*, London, 1944, Pl. XXXI, 2.

⁹ Reproduction in Heinrich Mueller and Julius von Schlosser, *Die Haggadah von Serajewo*, Vienna, 1898.

¹⁰ Reproduced in *Encyclopaedia Judaica*, VII, Col. 481/2. The same theme appears in the German *Mahzor* of 1348 which is to be found in the Landesbibliothek at Darmstadt, Cod. Or. 13. Reproduction in Bruno Italiener, *Die Darmstaedter Pessach-Haggadah*, Leipzig, 1927, plate 9.

Christian art but Jewish art. It is in Jewish art that the winged angel appears for the first time. The winged angel was already a finished art product when Christianity took it over from Judaism.

To supply the needed proof — even if only to the extent required for such proof — we must examine somewhat more closely the representations of angels as they prevailed in the Jewish milieu.

II. ANGELS ARE MESSENGERS

The word "angel" comes from the Greek ἄγγελος and means "messenger." The name corresponds to function. Just as a messenger is in the service of someone, so are these messengers sent by the Deity to maintain communication between Himself and mankind. But "angel," translating the Hebrew word *Mal'ak*, introduces an erroneous idea. When we of today hear the word "angel," we think of a beautiful, winged, beardless youth. But the *Mal'ak* of the Old Testament was regarded as a man, therefore, by all means, bearded and likewise devoid of wings. This is to be inferred not so much from the fact that wings are never mentioned¹¹ — such mention may have been dispensed with; it follows rather from numerous other considerations. If the *Mal'akim* of Jacob's dream ascend and descend a ladder (Gen. 28.12), this is intelligible only if they are wingless. Had they possessed wings they would have covered their route flying.¹² Or, if the messenger of God, after prophesying a son for Manoah, "ascended in the flame of the altar," (Judg. 13.20), this also presupposes that the messenger was wingless. For precisely this reason, he must utilize the rising flame that, by means of the smoke, he might mount into the air.

Only because of this does Manoah perceive, for the first time,

¹¹ The passage in Dan. 9.21 about Gabriel as "being caused to fly swiftly" is too uncertain of translation to be adduced as evidence to the contrary.

¹² Cf. Frits Lugt, "Man and Angel," in *Gazette des Beaux-Arts*, 6th series, Vol. XXV, 1944, p. 341.

that the messenger was not an ordinary one. And herein lies our second proof of his winglessness: the messenger is not always recognized as Divine. In such a late work as the Book of Tobit, it can still be remarked concerning Raphael, hired to accompany Tobias on his journey, that the youth knew nothing of his attendant's heavenly origin (Tob. 5.4). Only at the end of the story is the companion's true nature revealed. Nor does Raphael fly back to heaven. What happened was: the family of Tobit "could no longer see him" (Tob. 12.21).

On the other hand there arises, already in the Bible, the wish to distinguish the messenger of God by means of some outward sign. Ezekiel makes him appear in linen garments like a priest (Ezek. 9.2). Daniel gives him a golden girdle and a body "like the beryl" and a countenance "as the appearance of lightning" (Dan. 10.6).

In only one instance, has there survived, from ancient Jewish art, a picture of such a Divine messenger. A poorly preserved mural from Dura Europos of the third century of our era shows Jacob's dream of the heavenly ladder which is being ascended by messengers of decidedly active bearing (See our illustration, taken from Mesnil du Buisson, *Les peintures de la Synagogue de Dura Europos*, Rome, 1939.) In the Persian manner, these messengers wear short cloaks. Wings are lacking.



Christianity took over from Judaism this wingless envoy of God. Doubtless thought of as without wings is the emissary who appears to Mary and, in accordance with Jewish precedent, predicts a son. Mary is startled not by his appearance but by the solemnity of his words: "Hail, thou that art highly favored, the Lord is with thee" (Luke 1.28, 29). Also of Jewish derivation is the "young man" who sits at the grave of Jesus "arrayed in a white robe" (Mark 16.5): the purpose being to distinguish him, in this way, from mortals. Christian art of the first centuries likewise pictured the messenger of God as wingless.

III. CHERUBIM, SERAPHIM, AND THE FLYING WOMEN OF ZECHARIAH

Alongside of these wingless messengers of God, Judaism recognizes various winged beings intermediate between God and man. Of these beings, the wings are an important feature. Later Judaism calls these beings angels but, here again, the word falls short of conveying the exact sense. For, these existences fulfill no ambassadorial mission. One of their functions has already been divulged in our illustration 1. These are the ones who, after the Fall of Man, guard the Tree of Life against further encroachment. From the standpoint of the Bible, these personages could hardly have been as slender and as delicate as they appear in this picture. To qualify for their office as guards, they must have been, for the Bible, singularly strong and terrifying. The narrator may have had in mind enormous hybrids combining, with the powerful body of a lion, the mighty wings of a preying bird and the vigilant brain of the human head. In oriental art, such synthetic creatures appear recurrently as watchers of the door. We know from excavations that such existed also in Palestine. We find them, for instance, on the well-known oven or altar of Taanach or on the small ivory plaque from Samaria, both of them dating from the period of the Kings. On the ivory plaque of which only the right side has been preserved (Ill. 2) can be seen such a winged lion with human head. A corresponding figure must have occupied the side that is missing. Between them stands a tree which it is obviously the duty of these hybrid creatures to defend, just as they were appointed to do in Paradise.

Apparently a similar group adorned the walls of the Solomonic Temple, at least if we take Ezekiel's account as authentic: "And it [the interior] was made with cherubim and palm-trees; and a palm-tree was between cherub and cherub, and every cherub had two faces; so that there was the face of a man toward the palm-tree on the one side and the face of a young lion toward the palm-tree on the other side; thus was it made through all the house round about" (Ezek. 41.18-20). The meaning of this frieze Ezekiel does not divulge, but that it implied the Tree of Life and

its defenders is a credible surmise. As the entrance to Paradise lay on the Eastern side, so did the entrance to the Temple. Perhaps Paradise was regarded as a prehistoric sanctuary of which the Temple may have served as reminder.¹³

The structure which Ezekiel accords these cherubim is of especial interest to us at this point. Obviously the body was placed in bold frontal, while the two heads appear in profile. Naturally these heads, in order to guard the tree, had to turn right and left. Among all the hybrid creatures which I have examined in oriental art, the one most nearly corresponding to Ezekiel's conception is that of a stone relief from Tell-Halaf in Babylonia (Ill. 4).¹⁴ The deviation from Ezekiel consists only in the fact that, in Tell-Halaf, there were two lions' heads while Ezekiel mentions one head of a lion and one head of a man. The rest of the body in the Tell-Halaf relief is that of a human being, just as it probably was according to Ezekiel. A human body can readily be placed in a frontal position while, on a relief, an animal body is commonly presented in profile.

The figure from Tell-Halaf is, after all, not so utterly remote from the winged angels of later times. In the one case as in the other, there appears only one set of wings and these extend out of the figure's back.

The First Book of Kings (I Ki. 6.23-28) reports two additional cherubim as stationed in the Solomonic Temple. Placed in the Holy of Holies which none might enter except the High Priest, these cherubim, like those of Paradise, have the function of repelling intruders. With this is combined a second function, in that something has to be *guarded*. At the dedication of the Temple, the Ark of the Covenant is carried in and placed "under the wings of the cherubim" (I Ki. 8.6). This is surely more than mere description; it is also interpretation. The wings of the cherubim safeguard that which stands beneath them just as birds safeguard their young against impending danger. In Ps. 17,

¹³ Cf. A. A. Bevan, "The King of Tyre in Ezekiel XXVIII," *Journal of Theological Studies*, IV, 1902/3, pp. 500 ff.

¹⁴ Cf. Max von Oppenheim, *Der Tell Halaf. Eine neue Kultur im ältesten Mesopotamien*, Leipzig, 1931, Pl. 33.

God is implored: "Hide me in the shadow of Thy wings" which derives from the identical thought that wings are protectors.

Concerning these cherubim, all that we learn is that they possessed wings. Still I would conjecture that these cherubim resembled those of the Temple walls as well as the one from Tell-Halaf; with the only difference that the cherubim before the Holy of Holies carried not more than one head apiece. The Bible reports (I Ki. 6.24-26) that the height of these cherubim equaled the spread of their outstretched wings. This proportion is readily comprehensible in connection with upright human forms. In our illustration 4, all that is necessary, if we wish to maintain that proportion, is to lower the wings slightly. The late source in Chronicles (I Chron. 3.13) adds: "They stood on their feet" which would have been a needless observation with regard to animals. Animals are always standing on their feet except when they sleep, while human beings can also sit or kneel. Plainly the author of Chronicles considers the cherubim of the Temple as creatures with human form.

Other cherubim are mentioned in connection with the Tent of Meeting. Cherubim adorn the golden plate over the Ark of the Covenant, the place where God reveals Himself (Ex. 37.7-9). We do not here raise the question of historicity. What interests us is the conception which the author combines with his account. "And the cherubim spread out their wings on high, screening the ark-cover with their wings." This again ascribes to the wings the power to shield everything beneath them — in this instance, the Ark.

These figures may have been, in the main, those of animals, analogous to the cherubim of Samaria which likewise adorn an oblong panel (Ill. 2). And yet, precisely in Samaria, there has been found another ivory plaque to which we can also refer,¹⁵ a plaque exhibiting not animal forms but human forms, with the single non-human addition of wings. These wings project not out of the back but out of the arms (Ill. 3). The protective func-

¹⁵ Cf. J. W. and G. M. Crowfoot, *Early Ivories from Samaria*, London, 1938, p. 18. — P. Vincent, already, in "Les Cherubins," *Revue Biblique*, XXXV, 1926, pp. 486 ff. cites Egyptian winged forms to account for the cherubim on the Ark of the Covenant.

tion of these wings receives particular elaboration; between them can be seen the *djed* Symbol of Osiris as the object to be defended. The wings on the Ark of the Covenant may have had a similar import. They protect not only the Ark itself but also the Lord Who makes His appearance in the space between them.

Meanwhile there are biblical passages which must be understood to refer undoubtedly to beings shaped like beasts; for instance, "And he rode upon a cherub and did fly" (Ps. 18.11) or "The Lord of hosts, who sitteth upon the cherubim" (I Sam. 4.4 and elsewhere). It occurs very commonly in oriental art that the Deity stands upon an animal or sits on several animals. Thus we are apprised of a function for the cherubim in addition to that of warding off and protecting, namely, that of carrying.

This conception differs fundamentally from that of the cherubim over the Ark in Exod. 37. Exodus states explicitly that the cherubim are placed at the plate's margins, faces toward one another. Differing from this, the cherubim bearing the Deity had to stand at the plate's center, close together, with faces not toward one another but alongside of one another.

At most we might discern, in the plate over the Ark of the Covenant, a merger of both motifs, the cherubim at the margins of the plate being works of art while God, sitting on the cherubim between them, was deemed but an apparition.

Having stated that the cherubim by which the Deity is conveyed are to be regarded as types of animals, we must modify this view as we consider the cherubim in the visions or rather the vision of Ezekiel; chapter 1 and chapter 10 being probably but variants of the same content. Ezekiel had ascribed two heads to the cherubim on the walls of the Solomonic Temple, a human head and that of a lion. In his vision, Ezekiel increases the number of these heads to four, one of which is human while the others belong to three different animal species. Yet Ezekiel seems, nonetheless, to have contemplated a human figure. "The likeness of a man was theirs" are his words in 1.5. The human head, moreover, was displayed frontally (1.10), flanked by two of the animal heads, with the third animal head turned rearward. "The sole of their feet was like the sole of a calf's foot" (Ezek. 1.7). This would, of course, revert to the animal domain, except that

the text at this point is doubtful. By and large, the cherubim may have been erect human beings with a pair of wings extending sidewise (doubtless from their backs) while a second pair of wings served to cover their bodies (Ezek. 1.11).

Just because these are erectly standing figures, God on His throne is not like one who "sitteth upon the cherubim," that is, upon their backs. Rather do these beings, like pillars, support the firmament above which, in its splendor, rises the throne of the Deity.

What conclusions can we draw from all of this? First, the Israelitish conception of cherubim is not unitary. Functions vary and forms vary. The latter seem to have had in common only the fact that all of them are hybrids, that is, parts of a variety of creatures welded together. The entire orient is familiar with an endless diversity of such mixtures, and Israel, that gathering point of oriental ideas, absorbed a large number of these into its thinking and its art. As regards the winged angel in its later development, it is important to bear in mind that, in the cherubim, there was already on hand ample material for subsequent evolution. To the Israelite, the structure of the cherub as a human being with a pair of wings was known well before Greek influence brought the type into vogue. The Israelites needed only to combine this influence with their own tradition in order to arrive at the winged angel in its later sense.

* * *

By contrast with the numerous references to cherubim in the Bible, seraphim receive mention in only one passage, and in connection not with a work of art but with a vision. If we read the vision of Isaiah (chap. 6) completely through, we notice that, between seraphim and cherubim there obtains a certain resemblance. The seraphim also are synthetic beings in which the wings — six in number — play a signal role. One point of resemblance arises from the fact that the vision of Isaiah shed some of its coloration upon the vision of Ezekiel. Isaiah declares that, of the six wings, only two served for flying, two covered the face and two the feet. Ezekiel likewise stresses that, of his cherubim's four wings, two covered the body. This association

of cherubim with the seraphim warrants the surmise that the two were, already in early times, regarded as kindred objects.

Whether the seraphic covering of feet and face possessed any special import or whether these were just visions without any particular significance, we are unable to say. Covering the face in the presence of God may have denoted religious awe. Thus Moses, at the burning bush, "hid his face; for he was afraid to look upon God" (Exod. 3.6).

The word "seraph" has undoubtedly some connection with a winged snake, a kind of dragon. The Book of Isaiah itself uses the word in two passages to designate such terrifying forms (Isa. 14.29, 30.6). The only question which arises is whether, in the vision, the original form has been retained or whether it has undergone some alteration. We may accept, without quandary, the seraph as singing; the snake of Paradise was also capable of human speech. More arresting is the Isaianic report: "Then flew unto me one of the seraphim, with a glowing stone in his hand." A hand implies a human being. Into association with Isaiah's seraph, has recently been brought a relief discovered at Tell-Halaf (Ill. 5).¹⁶ This represents a female deity with six wings, two of which, emerging from her back, serve for flight, while the other four, together with some drapery, conceal the lower part of her body. This divinity, whose crown reaches to the clouds, holds a snake in each hand. That would yield a new interpretation for Isaiah's seraphic forms. The seraphs were human types, and the name "seraph" applies only to their attributes. Such accounts for the resemblance to the cherubim as perceived by Ezekiel. This furthermore renders appropriate the hands, while human would have been the mouths which sang: "Holy, holy, holy."

Judging from this song, the seraphim performed a function with which the cherubim were not vested, namely, that of praising God. And with God regarded more and more as dwelling in heaven, the abode of the seraphim came similarly to be located in heaven. That enduring proximity to the throne of God im-

¹⁶ Cf. Max von Oppenheim, l. c. Pl. 32b. Also the supplementary observations of Kurt Galling in *Biblisches Reallexikon*, Tuebingen, 1932, col. 385.

parted, to the seraphim, a special sanctity, with the result that — alongside of the cherubim, the bearers of the Divine throne — the seraphim were assigned to the highest angelic ranks.

* * *

Finally we must take into account the vision of Zechariah (5.5-11). Zechariah sees an Ephah (a grain measure) in which sits a woman whose name is Wickedness. Two winged women, carrying the Ephah, transport it to Babylon. With the historical background of this vision, we are not here concerned; our interest adheres to the presentation itself. All that can be surmised is that the flying women have a deprecatory import; their femininity, it appears, runs parallel to that of Wickedness herself. Perhaps some further disparagement lurks in the fact that the wings of these women are those of a stork, the stork being listed among the birds deemed by the Jews unclean (Deut. 14.18).

Yet, so far as their shape is concerned, these winged forms come markedly close to the winged angels of later centuries. Under the influence of Graeco-Roman goddesses of victory, these later angels display feminine features, while a pair of wings is their only appendage of infra-human origin.

Further on we shall see that Hellenic art imparted, to Jewish art, the motif of *two* angels which, as they stand or fly, carry something between them (Ill. 6 and 7). In the vision of Zechariah, this motif is anticipated. Such proves, once more, how near to the ancient Jewish conception of winged forms came that which developed later under Greek influence.

IV. GREEK INFLUENCE

As Greek culture, after the end of the fourth century B. C., penetrated the countries bordering on the Mediterranean, it likewise reached the Jews, those of Palestine as well as those of the Diaspora. We know, from the history of the Maccabees, what resistance the Greek ways encountered, but we also know that, by this resistance, the spread of Greek cultural influence was not permanently checked. We discover this influence still active in the latest work of ancient Jewish art, the floor mosaic of

Beth-Alpha, dating from the sixth century of our era and picturing the sun god Helios riding in his chariot. From this we can infer that this influence affected many centuries of Jewish life.

The Greek religion was conversant with numerous hybrid beings, among them one of special moment for our present study. This was Nike who resembled, not a little, the angel messengers of the Israelites. Those Greek existences were messengers also, messengers sent by Zeus to bring, to human beings, victory in battle. Differing from the Divine messengers of the Israelites, these messengers of victory may have had wings from the very beginning. In early representations, they are equipped with as many as three pair of wings,¹⁷ doubtless under the influence of certain oriental figures with one of which we became acquainted in our illustration 5 and the other of which we met in the seraphim of Isaiah. Thus the orient fructified Greek art before that art reciprocally fructified the orient.

Now it is characteristic of Greek artistic sensibility that it did not stop with the six wings. It reduced the number to two attached to the back. The human features of Nike become more and more pronounced. The attire came to be so contrived that the arms and the feet remained free. Nor does the body disappear behind the garment. It remains traceable through the drapery. The flying itself becomes detached from the old manner of indication by the flexing of the knees, — a method, incidentally, known already to the Babylonians. The illusion of flight becomes achieved by means of the expanded wings and by means of the garment billowing in the wind. Symbols of victory, such as the wreath, the headband, the palm and the like are pressed into the hands. As examples, we point not to the famous Nike statue of Paionios or to the one from Samothrace nor to the two which have been unearthed in Ashkelon, on Palestinian soil.¹⁸ All of these have reached us in a mutilated state. We

¹⁷ See, for example, the Nike of Delos of the sixth century. Reproduction in Franz Studniczka, *Die Siegesgoettin*, Leipzig, 1898, fig. 7.

¹⁸ These involve two reliefs originating perhaps in the first century B. C. Cf. Théodore Reinach, "Sculptures d'Ascalon," *Revue des Études Juives*, XVI, 1888, pp. 24 ff. with illustrations.

prefer a small Roman imperial coin which bears, on the obverse, the head of Antoninus Pius (86-161 C. E.) and on the reverse a Victoria, as Nike was called among the Romans. Standing on a globe of the world, Victoria comes flying with a wreath in her right hand and a palm branch in her left.



Among the Romans, there was recognized a second winged form, that of Genius, the guardian spirit of persons and of places, indeed of entire nations. Genius also has something in common with the angels, especially when we consider that the *Mal'ak* of the Jews is expected in

Ps. 91.11, "to keep thee in all thy ways." Corresponding to the guardian spirit of entire nations was, in later Judaism, the national guardian angel, that of the Jewish nation being Michael, "the prince" (Dan. 10.13, 21). In this way, correspondences existed between the Nikes, the Victorias, and the Geniuses on the one hand and the angels on the other.

At the same time, it was not the inner significance of these heathen constructions that made them acceptable to the Jews. Emissary angels, according to Jewish comprehension, continued to be wingless human shapes. It was rather the external resemblances, involved in the wings and in the human shape of these beings, that rendered the Jews receptive to those formations.¹⁹

We have already shown how an enhancement of human feature came to characterize the cherubim. Isaiah's seraphim may similarly have been more human than dragon. Entirely human were the flying women in the vision of Zechariah.

Meanwhile, in Jewish thought, animals gradually lost their

¹⁹ With the wreaths which the Nikes and the Victorias hold in their hands as symbols of fame, the Jews were also well acquainted. As a wreath or crown of eminence, God, in Isa. 28.5, offers His very self to His people. In Zech. 6.11, God commands the prophet to place a wreath on the head of Joshua, the son of Jehozadak.

significance despite the godlike prestige of animals in the Orient. In the Book of Daniel (7.3-8), a work of the second century B. C., the author sees four beasts rising from the sea, among them, a winged lion which brings to our mind the winged creatures of the ancient oriental world. But these animals have ceased to represent anything sublime. It has been fittingly brought out that they symbolize rather "the powers of evil, the nations hostile to Israel."²⁰

From similar motives, the cherubim, to which Ezekiel assigns one or more animal heads in addition to the human head, may little by little have lost their animal appendages thus causing their human character to stand forth ever more distinctly.

That the cherubim received a complete human identification is testified only in late Hellenistic literature. The Babylonian Talmud discusses the cherubim reputed to have been shown on the walls of the Herodian Temple. The Biblical expression, "according to the space of each with wreaths round about" (I Ki. 7.30), which actually refers only to the cherubim on the ten water basins), is interpreted by Rabbah bar Rab Shilah, a sage of the fourth century, to mean "like a man who embraces his wife." Rabbah bar Rab Shilah adds that non-Jews entering the Temple were shocked by that portrayal (Yom. 54b). While the sage's interpretation may be highly fantastic, what interests us here is the fact that the cherubim were represented as youths and maidens.

In Suk. 5b, as in Hag. 13b, the question is raised: "What is the derivation of cherubim?" to which R. Abbahu, a Palestinian authority of the third to fourth century, replies: "Like a child (literally adolescent), for in Babylon they call a child *Rabia*." Concerning this, the Soncino edition of the Talmud expertly observes: "The first letter of the word כְּרֻב is regarded by him as the Caph of comparison." Here accordingly, the cherubim are

²⁰ Julian Morgenstern, "Angels," in the *Universal Jewish Encyclopedia*, I, 310. Differing from this, lions, alongside of Corinthian columns, still adorn the front of the palace in Araq el Emir in Transjordan. This palace was built by John Hyrcanus who reigned 135-106 B. C. Animals in close proximity to God appear occasionally in later times, for instance, the four living creatures of Revelation 4.6.

understood to be persons exceedingly young. Similarly are the Nikes and, above all, the Geniuses of pagan art represented as youthful in the extreme.²¹

The sparse examples of Jewish pictorial art that I can furnish stem likewise from a comparatively late period. We may grant that Hellenism, with its joy in beauty, wrought inroads on the Jewish inhibition of picture making. But the process was very gradual, reaching its climax only in the third century of our era. Reference to this is contained in at least one remark of the Palestinian Talmud: "In the days of Rabbi Joḥanan (Joḥanan b. Nappaḥa, died 279), men began to paint upon the wall, and he did not hinder them" (Ab. Zar. 48d). Precisely that was the age which produced the murals of Dura Europos.

The changing and, on the whole, tragic history of the Jews, ruined most of what was created at that time. Add to this the voluntary destruction of Jewish pictorial art because of the more rigid interpretation placed, during the Middle Ages, on the Biblical prohibition, in which the Jews were supported by the followers of Islam as well as by those who engaged in the picture controversies of the Christians.

Meanwhile, assuming that our samples date from the second or the third century of the present era, we are not warranted in drawing the conclusion that they originated necessarily under Christian influences; because the first Christian specimens of winged angels date not earlier than about the year 400. We must consider also that the Jews who regarded the Christians of that time as a sect worthy of repudiation would surely have been cautious about adopting Christian innovations. Conversely, so many Jews had submitted to baptism, especially in the Diaspora, that they could have secured, with their artistic usages, entrée into the Christian sphere.

We purposely omit discussion of some winged forms in a burial cave of Palmyra, Syria. These were believed to be Jewish

²¹ Philo, in his *Life of Moses*, III, 8, speaks of the cherubim as τῶν πτηνῶν δυνεῖν, which, in his time already, were generally understood to be "birds." What he surely means is: two winged creatures. Such is also the translation of Leopold Cohn, *Die Werke Philos von Alexandria*, I, Breslau, 1909, 320.



1. CHERUBIM GUARDING THE TREE OF LIFE
Hebrew Ms. British Museum, Add. 11639



2. HYBRID CREATURE FACING A TREE
Ivory Plate from Samaria



3. HYBRID CREATURES GUARDING THE DJED SYMBOL OF OSIRIS
Ivory Plate from Samaria



4. HYBRID CREATURE WITH TWO HEADS
From Tell Halaf



5. DEITY WITH SIX WINGS
From Tell Halaf



6. JEWISH SARCOPHAGUS
Rome, Museo Nazionale delle Terme



7. PORTAL FROM A SYNAGOGUE
Last at Kafr Birim, Galilee



8. THE THIRD DAY OF CREATION
From the Cotton Bible



9. CHRISTIAN SARCOPHAGUS
Constantinople. IVth Century



10. ADAM AND EVE IN PARADISE AND THEIR EXPULSION
From the Vienna Genesis



11. YOUNG JOSEPH GOES TO SHECHEM AND DOTHAN
From the Vienna Genesis

at the time of their discovery,²² but later there arose some justifiable doubts. The scenes painted there of "Achilles discovering Ulysses in female clothes amongst the daughters of Lycomedes" and of "Ganymede carried to Zeus by an eagle" can scarcely be brought into connection with Jewish art. Thus the winged figures in Palmyra which hold over their heads portrait medallions must be understood in their original sense of Victorias who confer victory upon the departed after the battle of life. Figures

bearing that implication are common on heathen sarcophagi. The burial cave of Palmyra came into Jewish hands not before 191 of our era²³ and may have received its ornamentation prior to that year.

Of moment in this connection is a scene of unquestionably Jewish import whose date lies between 244 and 246 of our era, on the murals of Syrian Dura Europos. The scene represents Aaron and the Tent of Meeting. The High Priest wears a magnificent robe bedecked with various figures (See illustration).²⁴ Perceptible, lower down, are two Geniuses. Above these, the four female figures with wreaths in their hands are apparently victory goddesses borrowed from Greece and Rome. To be sure, these are not to be construed as heathen goddesses.

What sense would such make on the robe of the High Priest? They are, in reality, angels, probably cherubim, as



■ Such is the view, above all, of Josef Strzygowski, *Orient oder Rom*, Leipzig, 1901, pp. 11 ff.

²³ *Corpus Inscriptionum Semiticarum*, Part II, Vol. 3 (Palmyrene Inscriptions), Paris, 1926, p. 287.

²⁴ The reproduction is also taken from the book of Mesnil du Buisson, *Les Peintures de la Synagogue de Doura-Europos*, Rome 1939.

indicated by the number four, corresponding to the four cherubim of Ezekiel.²⁵ Philo remarks in his *Life of Moses* (II, 88) concerning the attire of the High Priest: "The mantel over the shoulder represents heaven." Inasmuch as this is the zone of the angels, the Geniuses are also to be viewed as angels.

Our second example is furnished by a Jewish sarcophagus in Rome, its date about the second Christian century (Ill. 6). This example is easy to reconstruct from the surviving fragments. A seven-branched candlestick, girded by a ring, rises hugely above a group of winepressers. This is the candelabrum which once stood in the Temple of Herod but which now abides in the unholy possession of the Romans who had seized it as loot. But there will come a day when the Messiah will deliver Jerusalem from the heathen. Then will the Temple be built anew and there the golden candlestick will shine with all of its ancient splendor. Such is the solace given the departed to take with him on his journey confident that, at the advent of the Messiah, the deceased will resurrect.

What however is the meaning of the winged forms at the candelabrum's sides? It has been supposed that these are Victorias who bring, to the one lying in the sarcophagus, the assurance of victory, that is, of immortality.²⁶ Yet the picture between them is not that of the departed but that of the Jewish emblem, the seven-branched candlestick. The winged object must therefore bear a Jewish meaning in the more restricted sense of the term. The figures are those of angels, perhaps of cherubim. Just as, according to conceptions above mentioned, cherubim function as carriers of the Deity, so do they here serve to carry the seven-branched candelabrum, the symbol of the kingdom of God.

Likewise to be understood as angels are the four winged seasons also at the sides. Regarding this we shall speak later.

²⁵ We are also reminded of the four archangels whose number, however, and likewise whose sojourn in the proximity of God were influenced by the cherubim.

²⁶ Cf. Franz Cumont, "Un fragment de sarcophage judeo-païen," *Revue Archéologique*, 5th series, IV, 1916, p. 4.

Among the motifs of Hellenistic art is that of two Nikes hovering horizontally as they place wreaths upon the head of a Divine personality. An example would be a mural of Dura Europos located in the Temple of Zeus Theos (second century



of our era) and shown here as reconstructed.²⁷ As a token of their homage, two victory goddesses hold wreaths over the head of Zeus. In the Jewish art of the second or third century, we find similar motifs. However, the examples given here are but meager remnants of what once existed.

In the synagogue of Ed-Dikke, there stood a portal, on the frieze above which were chiseled two figures bearing a wreath. Only the left figure remains and this in such a ruined condition that almost nothing can any longer be recognized. While the right figure has itself disappeared, it has been preserved in the

²⁷ The drawing is taken from the work of M. Rostovtzeff, *Dura Europos and its Art*, Oxford, 1938, Pl. XIII.

rude drawing here pictured.²⁸ The original must also have been crude, a provincial piece of work which obviously followed models of better caliber. To be seen awkwardly bending is a



hovering female form which, as evidenced by the fragment on the left side, holds in her right hand, missing in our illustration, a wreath toward which a similar figure on the other side is reaching. A similar theme appears on other synagogues, for instance, on the portal of the so-called Small Synagogue of Kafr Birim in Galilee. The portal is no longer extant but, from an older photograph, we

have a clear idea of its appearance (Ill. 7). The lintel figures were chiseled away when, as already explained, the religious zeal of later centuries arrayed itself against monuments with representations. Nonetheless the motif is easily comprehensible. Two winged forms hold a rosette filled wreath. Goddesses of victory are as badly out of place here as they were on the robe of the High Priest. At the entrance of a synagogue we would sooner expect a religious motif of unusual solemnity. What we have here, as on the other synagogues, is angels, perhaps cherubim. With the idea that these were two in number, Jews were familiar because of the two on the Ark of the Covenant as well as in the Holy of Holies of the Solomonic Temple.

The wreath which the angels hold between them has been interpreted as the symbol of immortality bestowed, as a reward of piety, upon one who attends synagogue faithfully.²⁹ Still I

²⁸ Cf. Heinrich Kohl and Carl Watzinger, *Antike Synagogen in Galilea*, Leipzig, 1916, Ill. 223. Our illustration 7 is also taken from this book.

²⁹ Cf. Erwin R. Goodenough, "The Crown of Victory in Judaism," *The Art Bulletin*, XXVIII, 1946, p. 143.

should prefer to interpret this wreath as we interpreted the one on the mural in the Temple of Zeus at Dura Europos. Here as there, the Deity is receiving homage. The difference is that, in Judaism, even under liberal constructions of the second commandment, the representation of the Deity was forbidden. The Deity must remain invisible, just as He dwelt invisible between the cherubim on the Ark of the Covenant.

V. THE REMAINING ANGELS ACQUIRE WINGS

Having spoken above of cherubim as angels, we must add a few words of explanation. In ancient Judaism, there existed, between God and man, a host of intermediaries grouped together without any thought of their interrelation. Labels were used such as: cherubim, seraphim, sons of God, host of heaven, stars, holy ones, watchers, spirits, messengers, and the like. Only in later Judaism was there felt the need of bringing order into this abundance by subsuming all of them under the name "angel."

At the same time, later Judaism displays yet another tendency, namely that of extending the domain of the angels until they occupy every shred of heaven and of earth, no matter how tiny. All of these beings were reputedly fashioned on the first day of creation. According to the Book of Jubilees (2.2, 3), there are "the angels of the presence and the angels [of the spirit of fire and the angels] of the spirit of the winds, and the angels of the spirit of the cloud, and of darkness, and of snow, and of hail, and of hoar frost, and the angels of the voices, and of the thunder, and of the lightning, and the angels of the spirits of cold and of heat, and of winter, and of spring, and of autumn, and of summer, and of all the spirits of His creatures which are in the heavens and on the earth, the abysses, and the darkness, eventide [and night], and the light, dawn and day, which He hath prepared in the knowledge of His heart."³⁰ Thus periods of the day or of the year came to be regarded as angels or as subject to angelic guidance. The latter interests us particularly, since it brings us back to the sarcophagus with the seven-branched candelabrum

³⁰ Cf. also Ethiopic Enoch, 82.10-15 and Slavonic Enoch. 19.4.

(Ill. 6) where, alongside of the angels that bear the candelabrum, we discovered the four seasons. Particularly recognizable is Autumn, a naked, winged youth carrying two dead birds and a brimming cornucopia; for autumn is the time of the chase and of fruit gathering. This representation closely accords with heathen antiquity which similarly loved to picture the seasons as winged figures. But, here again, as with the Nikes and the Geniuses, the heathen forms are translated into Jewish points of view. They acquire Hebrew names (Ethiopic Enoch 82.13) and enter into the great angel company. Like their heathen prototypes, they sprout wings.³¹ Thus was the circle of winged beings enlarged to include a further angel category.



Another example appears on a mural in Dura Europos which reproduces Ezekiel's vision of the resurrection (Chap. 37). The portion here pictured, likewise taken from the book on Dura Europos by Mesnil du Buisson, illustrates the prophet's words: "Come from the four winds, O breath, and breathe upon these slain that they may live." The Bible employs the word *Ruah* for breath as well as for wind, and this unlocks the import of our

painting. The four winged figures represent the four Biblical winds, but the figure lowest down, which is about to awaken a corpse, is also the breath entering the deceased.³²

³¹ The probably Jewish sarcophagus of Turmus 'aja also shows winged seasons of the year. Reproduction in R. Reitzenstein, *Die hellenistischen Mysterienreligionen*, 3d edit., Leipzig, 1927, Pl. I. We find them likewise in the floor mosaics of Beth-Alpha. Reproduction in E. L. Sukenik, *The Ancient Synagogue of Beth-Alpha*, Jerusalem and London, 1932, Pl. X. They appear also in the floor mosaics of Na'aran (Ain Duk); here, however, without wings.

³² E. L. Sukenik sees represented here three winds corresponding to the three slain. According to Sukenik, the third wind is represented twice — first,

Though outwardly the four maidens with butterfly wings resemble the heathen Psyches, the Judaizing process has again occurred. In late Jewish thought, spirits (*Ruḥot*, *πνεύματα*) and angels are interchangeable.³³ Jewish angels are what we have here, not Greek Psyches. Thus is the number of winged angels extended by an additional class.

And the angel as messenger? We saw him wingless on the third century murals of Dura Europos and learnt that Christian art adopted him wingless. He appears with wings not earlier than the fifth century.³⁴ Therefore, we shall, in this case, have to concede, to Christian art, the priority.

This assertion must be qualified, however, with the observation that the notion of winged messengers of God does appear in late Jewish literature, although quite rarely. In the Ethiopic Enoch, written during the second century before the Christian era, angels are sent forth to measure the merits of the righteous. For this purpose, they are supplied with measuring lines, and then occurs the remark: "They took to themselves wings and flew; and they went towards the north" (Eth. Enoch 61.1). Thus while they do not possess wings normally, they assume wings when they visit the earth.

Slavonic Enoch, written somewhat later, goes a step further. Here the wings are a permanent attribute: at least nothing is said about putting them on. Enoch (1.4, 5) dreams of two men "very tall, such as I have never seen on earth. And their faces shone like the sun, and their eyes were like burning lamps, and fire came forth from their lips. Their dress had the appearance of feathers; their feet were purple, their wings were brighter

arriving in flight, and then, reviving a corpse. Cf. his article, "The Ezekiel Panel of the Synagogue of Dura Europos," *Journal of the Palestine Oriental Society*, XVIII, 1938, pp. 1 ff.

³³ Cf. Wilhelm Bousset, *Die Religion des Judentums im späthellenistischen Zeitalter*, 3d edit., Tuebingen, 1926, p. 321. Bousset cites as evidence Ethiopic Enoch, 15.6 and the Book of Jubilees, 1.25 and 15.32. As already mentioned, the spirits of the wind are created on the first day.

³⁴ One of the earliest examples of a winged messenger angel in Christian art is that in the Annunciation at S. Maria Maggiore, Rome, first half of the fifth century. Wings appear also on the angel that speaks to Joseph.

than gold." Christian thought proceeded from the same viewpoints; the literary conception here plainly antedating the artistic one. Already Tertullian, Latin church father of the second century, declares: "Every spirit is possessed of wings. This is a common property of both angels and demons" (Apology, Chap. 22). As in Judaism, so here, the inclusion of all of these beings under the general term "angels" brings it about that all of them are eventually vested with the same traits.

Finally let us make clear how close was the connection between late Jewish art and early Christian art when it comes to descriptions and representations of angels. It manifests itself particularly in early Christian manuscripts, thus confirming an often expressed surmise, that these manuscripts ultimately go back to Jewish archetypes. Here we can not go beyond conjecture. Illuminated manuscripts of the Jews have, thus far, not come to light. However, there are the murals of Dura Europos, disclosed not so long ago and repeatedly mentioned above whence the query is warranted: If representations of Biblical themes were permitted on the walls of the synagogues, why not also in manuscripts? Out of the question, in this regard, are the Torah scrolls used in worship, with which the command against illustration was of course meticulously observed. Rather do we think of ordinary books, scrolls of which would be made to order for some wealthy Jew of Antioch or Alexandria, in the Diaspora, where there prevailed a tendency toward greater tolerance.

Inception in a scroll can, with certainty, be ascribed to the "Vienna Genesis," as it is called, a Greek manuscript preserved in the Vienna State Library and, in all likelihood, prepared at Antioch or at Alexandria of the sixth century. Of this book which contains, on one of its pages, four scenes from the early life of Joseph, the arrangement in strips clearly divulges that it was a scroll originally (Ill. 11). Young Joseph goes, at his father's bidding, to Shechem to seek his brethren. Not finding the brethren there, he is accosted by a man who shows him the way to Dothan where, to his undoing (Gen. 37.12-18), he and his brethren meet. On the upper row, a winged figure, which walks ahead with vigorous steps, associates itself with Joseph from the moment that he leaves his father. Since the Bible

mentions no angel at this point, the figure has been regarded as "another personage of this sort,"³⁵ so much as an attempt at a better explanation being apparently impossible.

The Bible, we repeat, mentions no angel at this point, but late Jewish folklore does. Its extreme fondness for angels, legend was always ready to adorn a tale with angelic presences. The angel portrayed in the picture is preserved only in a variant, according to which an angel shows Joseph the way to Dothan; an angelic personage.³⁶ In this manner the scene links with late Jewish angelology. The sixth century Christian illuminator needed only to give wings to the Divine messenger in order to make known to his readers who that messenger was.

The wings of this angel are golden, which reminds us how Slavonic Enoch (1.5) saw angels with "wings brighter than gold." This feature plainly derives from Jewish tradition.

It would follow that the edifice which, in the last scene, stands upon a hill is not a Christian church, as commonly asserted,³⁷ but a synagogue. Eminences were favorite sites for synagogues which, at least since the fourth century of the Christian era, had an apsis projecting from the main body.

Or we may look at the so-called Cotton Bible in the British Museum, also a Greek fragment originating perhaps in Alexandria at the turn of the fifth to the sixth century. The manuscript itself is badly damaged by fire, but two of the miniatures had been copied when still in good condition, while the entire cycle is known additionally through a thirteenth century replica in the vestibule mosaics of San Marco at Venice. Among the matters which the series treats are the days of creation, singularly illustrated by means of one winged figure for the first day, two for the second, etc. Our illustration 8, adopted from one of the two copies mentioned above, exhibits the third day of the narrative, the day on which God created the plants. God is represented as a beardless youth with a cross in his nimbus and, in his

³⁵ Cf. R. Morley, *Early Christian Art*, Princeton, N. J., 1942, p. 75.

³⁶ Targum Pseudo Jonathan to Gen. 37.15. — Midr. Rab. LXXXIV 14 speaks even of three angels, because the biblical passage contains the word "man" three times.

³⁷ Cf. Hans Gerstinger, *Die Wiener Genesis*, Vienna, 1931, p. 101.

left hand, a scepter-cross — all of which is Christian enough. Still there are strong grounds for asking whether there may not be some connection between this conception of God and the Hellenistic biblical exegesis of Alexandrian Jewish scholarship; specifically, whether the Logos of Philo may not have lent, to this Creator God, the basic conformation.³⁸

Unquestionably fostered on Jewish soil are, in my opinion, the winged forms which personify the days of Creation. We have already noticed how, in Jewish Judaism, the periods of the day, like those of the year, were pictured as angels. We may now add that the days themselves were viewed as angels.³⁹ Thus again Jewish thought survives in Christian thought.

With kinship of conception, there naturally allies itself kinship of representation. The above-mentioned Vienna Genesis (Ill. 10) pictures Adam and Eve in Paradise and their expulsion from Paradise, where the "flaming sword which turned every way" appears in the form of a fiery wheel flanked by a poorly preserved figure which can be only that of a cherub — the cherub concerning which, in all events, the Bible speaks in the plural.⁴⁰ This cherub appears, in accordance with its Hellenistic model, as a beautiful beardless figure clad in softly flowing attire and wearing, on its back, wings. Such figures, when found in Jewish art, we have interpreted as cherubim, an interpretation validated by the circumstance that the figure in the Vienna Genesis is also that of a cherub; all substantiating the dependence of Christian conceptions upon Jewish conceptions.

Similarly surviving in Christian art is the motif of two flying angels bearing a wreath. We choose our example from a Christian sarcophagus originating about the fifth century (Ill. 9),

³⁸ Cf. L. Troje, *Eine alte Schoepfungsdarstellung in S. Marco*, contained in R. Reitzenstein, *Die Vorgeschiede der christlichen Taufe*, Leipzig-Berlin, 1929, p. 319.

³⁹ Cf. G. F. Moore, *Judaism in the First Centuries of the Christian Era*, Cambridge, Mass. 1927, p. 403.

⁴⁰ Georg Stuhlfauth, *Die Engel in der altchristlichen Kunst*, Freiburg i. B. 1897, p. 164, regarded the form as that of the archangel Michael. But this interpretation is today generally rejected. The wingless figure behind the first human pair is believed to symbolize either Sorrow or Repentance.

the meaning of which is misunderstood if it be supposed that the angels are placed there "for purely decorative purposes."⁴¹ These cherubs resemble the theophorous beings on the Jewish sarcophagus and on the portals of synagogues. As yet, not even Christian art dared picture the Deity. That is why the wreath is filled with the monogram of Christ just as, in Jewish art, the seven-branched candlestick stands for the Kingdom of God.

On early Christian ceiling pictures, such as those of the arch-episcopal chapel and St. Vitale at Ravenna, the symbol of Christ, monogram or lamb, is borne by four angels so placed as to form a cross. In my opinion, these are the four cherubim which, in the vision of Ezekiel, carry the Deity.

VI. CONCLUSION

It must be emphasized that the dependence of Christian art upon Jewish art characterizes Christian art only in its beginnings. In the later course of its history, Christian art, liberating itself more and more from the Jewish aversion to pictorial representation, proceeded upon a way of its own.

Conversely, Jewish art gradually abandoned the freedom achieved under Hellenism, perhaps in order to bring out, all the more vividly, the dividing line between Judaism and Christianity. Special commands forbade the representation of angels. Thus, in the Mekilta, "with Me" of the sentence in Exod. 20.20, "Ye shall not make with Me gods," is interpreted by Rabbi Ishmael to mean: "Ye shall not make a likeness of My servants who serve before Me in heaven, not the likeness of the cherubim, and not the likeness of the *ophanim*."⁴² Though such and similar remarks of the Talmud arise only in the course of discussion, the Jews of later centuries accepted them as binding commands.

If, from now on, in illustrations on Pentateuch manuscripts,

⁴¹ Thus Frits Lugt, "Man and Angel," *Gazette des Beaux Arts*, 6th series, XXV, 1944, 274.

⁴² Mekilta de-Rabbi Ishmael, Tractate *Bahodesh*, chap. X, edit. Jacob Z. Lauterbach, II, Philadelphia 1933, 276. Similar prohibitions are to be found in R. H. 24 b.

cherubim are placed over the Ark of the Covenant, these cherubim become reduced to mere wings. More is not ventured.⁴³

Not until the twelfth or thirteenth century, does this ban subside and a new eagerness for illustration appear, at least in the illuminated manuscripts. The angel form comes then to the fore, as in the examples which we cited at the beginning of this article.⁴⁴ But the linkage with ancient Jewish pictorial tradition had been lost. The result was an avid grasping after Christian artistic models. The consequence is that, unless we bear in mind certain French-Gothic precedents, the cherubim in our illustration 1 are inexplicable. Likewise the angelic messenger on the fifteenth century Italian manuscript, published by Panofsky, comes to us as an imitation of the Christian angels of the early Renaissance. What we must avoid is the notion that such dependence of Jewish art on Christian art existed always. As we have attempted to show, it was Jewish art that generated the winged angel, while Christian art received it by transmission.

⁴³ Cf. the Pentateuch transcribed in 930 and preserved in the Public Library at Leningrad. Reproduction in David Guenzburg and W. V. Stasoff, *L'Ornement Hébreu*, Berlin 1905, Pl. III.

⁴⁴ It is, in all events, to be noted that the angel in the German *Mahzor* of the Bodleian Library, Cod. 2373, has no face and that the angels on the ladder of Jacob in the Serajewo Haggadah cover their heads with their wings, all of it due to the scruple about pictorial representation.

THE PAINTINGS OF THE DURA SYNAGOGUE

ISAIAH SONNE

THE thrilling story of the discovery of the synagogue in Dura-Europos by the Archaeological Expedition of Yale University in 1932-33 has been told and retold by many scholars in the last decade, and there is no need for me to spoil the attractive tale by repeating it. The best exposition of the whole discovery is to be found in the official "Report" of Yale University,¹ as well as in Rostovtzeff's brilliant lectures on Dura-Europos,² and to these two works I refer the reader for details concerning the origin of

¹ Preliminary Report on The Synagogue of Dura, Yale University Press, 1936. Of special interest for us is the report of C. H. Kraeling on "The Wall Decorations," p. 29-75 (337-383). (Will be quoted: Kraeling).

Mention should be made here of the Aramaic inscription deciphered and explained by Obermann (p. 81-82) in which the date of the building of the synagogue reads as follows: "In the year five hundred fifty six (Seleucid era) . . . and the year two of Philippus . . . Caesar (-245 C. E.), during the eldership of Samuel, the priest . . ." Cf. also Du Mesnil, p. 158. With regard to the exact reference of the date, cf. Obermann, "Inscribed Tiles from the Synagogue of Dura," in *Berytus*, vol. VII, fasc. 2, p. 89 s. (My friend Dr. Franz Rosenthal drew my attention to this article).

² M. Rostovtzeff, *Dura-Europos and Its Art*, Oxford 1938. Mention should be made of his masterly outline of Dura's importance. Situated on the Middle Euphrates, on a trade road between Syria and Parthia, Dura became an important caravan city. Traders from Syria-Palestine met with traders from Parthia, especially from Babylonia, and exchanged goods.

It is safe to assume that the Jewish population of Dura, especially the richer members of the community, was composed mostly of Jewish traders coming from Syria-Palestine and from Babylonia, the two leading Jewish centers of the time. We may also assume that the Jewish scholars of the time, known as those "going down" (נָחוּי) from Palestine to Babylonia and those "going up" (סָלִיקִי) from Babylonia to Palestine, visited frequently, on their route, the community of Dura, and exercised a decisive influence upon its institutions and religious life.

the synagogue, its general plan and architecture. I am confining my investigation to the wall paintings. Moreover, this is not the only limitation I feel compelled to impose upon myself. In view of the fact that art and its history are beyond the sphere of my scientific interest, I obviously cannot enter into the fascinating discussion about the relation of the synagogue paintings and the Greek, Iranian, and Oriental art, a subject dealt with authoritatively by Rostovtzeff, nor can I venture any comparison of the synagogue paintings with the Christian-Byzantine art, a comparison stressed especially by Du Mesnil du Buisson.³ I limit myself to one aspect of the paintings, namely to the meaning of the scenes depicted in the various panels, their identification as well as their plan and arrangement. In other words, my approach to the wall paintings is as that to a literary text, a mutilated parchment or papyrus that I am accustomed to handle and to reconstruct by means of the context. To me wall paintings represent a sort of literary text written in a pictorial language. This consideration is also a determining factor in the adoption of a method to a certain extent at variance with that generally used by most of the other scholars.

In studying the paintings of the Dura synagogue we are confronted with two sets of problems: One of a comprehensive nature, which deals with the composition as a whole, its plan and underlying principles; the other of a more limited nature, dealing mainly with the deciphering and elucidation of certain obscure panels. Most of the recent studies on our subject belong in the second category; the authors focus their attention on certain particular panels, and try to identify the scenes and to explain their meaning. According to their view, as long as there

³ Comte Du Mesnil Du Buisson, *Les peintures de la synagogue de Dura-Europos*, 245-256 *apres J.-C.* Roma, Pontificio Instituto Biblico, 1939.

I gladly acknowledge my immense indebtedness to all three authors mentioned above, and especially to Du Mesnil, whose painstaking minute descriptions and stimulating suggestions have been of inestimable help to me.

Illustr. 3-5, 12-17 are taken from Du Mesnil's book with the author's kind permission; 1-2, 6-11, 18 are reproduced from slides generously put at my disposal by Prof. Gundersheimer.

are uncertainties about the meaning of some particular panels, it is premature to treat scientifically the more comprehensive problem of the general plan of the composition.

To those, however, acquainted with the work of reconstruction of injured texts, it is no secret that the first things we endeavor to grasp are the general characteristics of the style, the rhythm, if a rhythmical composition. They are of inestimable value for the elucidation of the particular mutilated passages and their reconstruction. The same holds good in our case. The two sets of problems are interlocked and influence each other reciprocally. We cannot understand the individual panels without having a certain insight into the general plan and its structure. I have decided to procede *more geometrico*, to clarify first the general plan, so as to derive from this the clue to the explanation of the particular panels. Indeed, there is a goodly portion of the paintings, especially on the west wall, in a perfect state of preservation, clear and understandable, and it is reasonable to assume that these fragments should reflect the plan of the whole composition, if there was any.

Considering the fact that the very existence of such a general plan has been denied by Rostovtzeff, it seems to me the proper procedure to start my investigation with this very question: Do the paintings of the synagogue which have been brought to light in all their freshness and clarity show reliable traces of an all-embracing plan which gives them a unity of purpose?

The West Wall. Let us take the west wall, the best preserved one, and consider only the panels whose identity and meaning are beyond any doubt. Leaving the niche and the central area above it out of consideration for the time being, we observe that the whole surface is divided into three zones, generally known as Register A, B, C, beginning from the top.

Register A. There are only three panels in this register well preserved and fitting for our purpose. Proceeding from right to left, we clearly discern the scene of the Exodus of the Israelites from Egypt, and their crossing of the Red Sea. Special relief is given to the figure of Moses; an Aramaic inscription reads: "Moses when he went forth from Egypt and divided the sea."



I. WEST WALL, NORTH HALF

This panel is followed by two of the four "portrait" panels which serve as a frame to the central area above the niche. Both "portraits" represent Moses: One "Moses and the Burning Bush" (after Ex. 3); the second "Moses ascending Mount Sinai" (after Ex. 19).⁴

⁴ Kraeling, p. 37 f., and Du Mesnil, p. 45 f. In the identification of the second portrait with Moses on Mount Sinai, I follow Kraeling and Du Mesnil despite Sukenik's contention (Ancient Synagogues in Palestine etc., p. 84) that it does not justify the removed shoes visible in the panel. Du Mesnil (l. c.) quotes examples from early mediaeval miniatures to this effect. Moreover, Sukenik, and Leveen (*The Hebrew Bible in Art*, 1944, p. 33) who follows him, failed to realize that, in the mind of Jewish preachers of the third century, the two revelations, the Burning Bush and the Torah promulgation on Sinai, are so closely connected with each other that they appear almost as two facets of one and the same divine manifestation. Thus the verse in Ex. 3:5: "... Put off thy shoes from off thy feet, for the place whereon thou standest is a holy ground," the underlying text of the first portrait, has, in the Aramaic paraphrase of Pseudo-Jonathan, the following amplification: "And upon it



2. WEST WALL, SOUTH HALF

Register B. This register yields more complete and clear scenes. The first panel from the right depicts the Ark of the Covenant captured by the Philistines causing the mutilation of the idols in the temple of Dagon, and the return of the Ark to the Israelites (1 Sam. 5). The scene is followed by a panel representing a solemn edifice, of course a house of worship, a temple. The following two "portrait" panels must be disregarded for the present, since their identity and meaning has not yet been

thou art to receive the Torah to teach it to the sons of Israel." (A similar amplification is to be found in verse 12). The portrait Moses on Mount Sinai represents but this homiletical addition to the vision of the Burning Bush. The combined picture of both revelations in Cod. Sinaiticus (cf. Du Mesnil, l. c.) is but a reflection of this fusion of the two manifestations.

The identification of this portrait and of the corresponding one in Register B with Joshua, as suggested by Sukenik and supported by Leveen, may appear plausible if the portraits are considered separated from the other paintings. But if they are considered as parts of the whole composition, such identification is highly improbable.

definitely established. We pass to the next panel which is a complex one, representing the Sanctuary with the sacred utensils, various sacrifices, but most conspicuously the high priest Aaron as attested by a Greek inscription. We have finally a panel representing the "Well of Miriam" (Num. 20), according to a Midrashic interpretation.⁵

Register C. The panels of this register are the best preserved, and their identity and meaning, as far as the main theme is concerned, obvious. Beginning at the right end, we recognize at once an episode from the infancy of Moses: His exposure in the Nile (Ex. 2) and his rescue by the daughter of Pharaoh. Following a symmetrical scheme, we see Pharaoh seated on a throne, attended by two courtiers at the right side of the panel, while at the left appear Jochebed and Miriam, between them the child Moses.

Next to the left we discern the panel representing Samuel anointing David (after 1 Sam. 16). David occupies the center of the scene portraying Jesse's sons; Samuel's figure at the left towers above the whole group. An Aramaic inscription reads: "Samuel when he anointed David."

Passing to the left of the niche, we now have a complex panel illuminating the story of the book of Esther. The prominent figures in the picture are: At the right side king Ahasverus is seated on Solomon's throne, attended by two courtiers, and queen Esther at his right hand. As the counter part at the left side appears Mordecai, clad in royal garments, seated upon a white, royal horse.

Finally, the last panel in Register C depicts the episode of Elijah restoring life to the son of the widow of Zarephath (after 1 Ki. 17).

We now ask: Do these unequivocal elements of the paintings offer any clue to a general plan of arrangement? Rostovtzeff does not hesitate to deny it emphatically. "Though the decoration did not take long to carry out," he observes, "it was not executed with a special and deliberate scheme . . . The choice of the episodes is *certainly haphazard* (our italics). The scenes do not

⁵ Kraeling, p. 41-46; Du Mesnil, p. 55-69; 75-92.

follow one another in chronological sequence: The exodus, Jacob's dream, and the Solomon scenes are contiguous, the Elijah scenes close to that of Ahasverus and Esther, the latter to the picture illustrating the childhood of Moses, and this in turn to the Ezekiel scene. Nor *can we detect any governing idea*, of a symbolical character, behind the distribution of the pictures. At least *I have failed to find one.*" This cautious attitude however did not last long. Immediately follows: "*It is evident*, therefore, that the several paintings were not ordered by the archisynagogue, but were presented by rich and influential donors. Each of these was allotted a certain space, and each commissioned his own painter. Each of the donors again chose his own subject according to his own fancy. He probably submitted it to the archisynagogue who accepted or rejected it. It should be noted that there are no repetitions of the same subject which shows that the archisynagogue exercised a certain control over the work."⁶

Thus Rostovtzeff is compelled eventually to admit a certain supervision of the work by the head of the synagogue, Samuel the priest, but he insists that it was of a purely negative character, namely to prevent repetition of the same scene, and not guided by any leading principle to which all the paintings would have to conform. However, in view of the fact that repetition of the same scene, especially sacrifice scenes, was rather the general pattern of temple paintings in Dura at that time, it is difficult to conceive that the head of the synagogue should have objected to a repetition of a scene commissioned by various volunteers of

⁶ Rostovtzeff, p. 115-116. Cf. also p. 133 where we read the following remark: "It is still more important to observe that, in *contrast with the synagogue*, the pictures of the Christian Baptistry show a unity of plan, a unity of idea, a unity of composition." I confess that this remark prompted my doubts about the objectiveness of Rostovtzeff's judgment with regard to the lack of plan in the paintings of the synagogue. But, at the same time, I also admit that Rostovtzeff showed me the way how to deal with this problem. I saw how easy it was for him to find in the Baptistry all the unities looked for, because of his familiarity with the symbolic language of the Christian Church. I therefore thought that, by familiarizing myself with the symbolic language of the Jewish world of the third century, I might be able to see the unity of plan, the unity of idea, the unity of composition in the paintings of the synagogue.

his congregation. Moreover, it seems to me that very little can be attained by assuming purely negative aims. I prefer to look for positive, creative goals which are likely to lead us to a deeper insight into the whole composition, and help us in the difficult task of reconstruction.

I

דבר זה כתוב בתורה, ושנוי בנביאים
ומשולש בכתובים (מגילה ל"ה, ע"א).

The Triad Motif. Observing the west wall, the first thing to attract our attention is the division of the surface into three zones, or registers. Is this division a mere spatial expediency or is it rather the expression of a certain triad motif which runs all through the panels of the various zones, linking them together? If we accept the latter, what kind of triad is it? A sketchy survey of the cultural orbit in which the artist of the Dura synagogue moved may offer some suggestion answering both questions.

Disintegration and regeneration of cultures and nations are familiar notions to historians. Indeed, decline and renaissance, *corsi e ricorsi*, cultural cycles etc. are but various formulations of this well known phenomenon. A new formulation, and a happy one, was recently coined by Toynbee, namely "the principle of withdrawal and return." According to this principle a nation or the culture it represents withdraws temporarily from the historical scene in order to gather its creative forces, to catch up with changed conditions and new cultural constellations. It then returns with increased vigor to play its role in the universal cultural drama.

Less familiar to historians is the fact that this principle of "withdrawal and return" holds good not only for cultures and nations, but also for certain "uncorruptible ideas" and artistic motives which are creative elements of our intellectual and artistic life. Ever so often when such cultural factors have exhausted their vital energy and have degenerated into mannerism, empty formalism, they withdraw and disappear temporarily, only to return later, imbued with fresh life-blood, with new impetus and vitality. The triad motif is one of these cultural

elements which follow the principle of "withdrawal and return." Now a glance at the cultural globe in the middle of the third century shows that the triad motif was on the ascendancy all along the Near- and Middle East. In the pagan world: Neo-Platonism with its transformed Platonic triad was at its peak; some kind of a triad was at the basis of most of the mystery religions. In Dura itself, the triad of the Palmyrene gods had established itself in most of the temples.⁷ In the Christian world, the process of consolidation of the trinity doctrine was nearing its conclusion. Finally, in the restored Persian world under the new Sassanid dynasty the triad motif played a very important role.

Could the Jews, living in the midst of a world in which the triad motif celebrated one of its triumphal "returns," remain unaffected by it? True, the Jews made every effort and actually succeeded in resisting any attempt of penetration of the triad motif into the concept of God; they remained uncompromising in the defense of the purity of their monotheism.⁸ However, as soon as they descended from the supreme divine region to the lower spiritual sphere, there was no reason for them to oppose the general triad current. On the contrary, the suppression of the triad impetus within the precincts of the divine domain asked for a certain compensation outside this sanctuary. In fact, next to divinity, in the rank of religious values, stood the Torah, the word of God, the *Logos*. And it was here that the triad motif could exercise freely its vigorous moulding power. The unity of the "threefold Torah" became the watchword against the various shades of Pauline-Gnostic trends in vogue in the third century. These trends, as is well known, contrived to prove the existence of a cleavage between the "Torah" proper, the law, and the "Holy prophetic spirit," and proclaimed the former the expression of a God of mere righteousness, the latter, on the other hand, the emanation of the God of love and kindness.

⁷ Rostovtzeff, p. 74. Besides the Palmyrene triad, there was in Dura also the cult of the north Semitic triad of Hadad-Adonis-Atargatis (Rostovtzeff, p. 65).

⁸ I refer only to the third century C. E. The earlier period is not of my concern; cf. Morgenstern's interesting article: "The Divine Triad in Biblical Mythology," in *JBL*, vol. 64 (1945), p. 15 f.

Thus the most authoritative Jewish teacher of the middle of the third century, R. Johanan b. Nappaha, head of the Tiberian academy, in asserting that "Wheresoever you find (expressed) the power (righteousness) of the Holy One, blessed be He, there you also find His gentleness (love)" — a statement clearly directed against the Gnostic ideas mentioned above — adds: "This thing is written in the *Torah*, repeated in the *Prophets*, and reiterated for a third time in the *Hagiographa*." In other words, all three parts of the Scripture — *Torah*, *Nebiim* and *Ketubim* — teach the same thing, emanate from the same God; they form a compact unity, a perfect triad.⁹

Nor should we think that this triad motif remained a purely speculative element, limited to the scholars in the academy. The truth of the matter is that it found its most pregnant expression in the synagogue, where it determined the use of the various parts of the Bible for public reading. For it was in all likelihood in this period that the complicated and skillful scheme of the distribution of the functions of the three parts of the Scripture in the synagogue was definitely adopted and brought to conclusion. In the first place comes the reading of the *Torah* portion, the *Seder*, which is followed by the *Haftarah*, the prophetic portion, linked with the respective *Torah* portion through a subtle linguistic device. To strengthen this union

⁹ How much R. Johanan was concerned with stressing this point, may be seen from his exclamation: "Can there be anything written in the *Hagiographa* which is not alluded to in the *Torah* (*Pentateuch*)" (*Taan*. 9a: יחיב: 'ר' יוחנן וקא מחמה אמר מי איכא מידי דכתיבי בכחובי דלא רמזי באורייתא).

That this idea was not limited to R. Johanan and his Tiberian circle, we gather from the following facts: a) The same formula is used also by R. Johanan's elder contemporary, R. Joshua ben Levi, the representative of the southern, Judean center in Lydda (cf. A. Z. 19b: 'ר' יהושע בן לוי דבר זה (כחוב בחור). We know that R. Joshua ben Levi was annoyed by Judaeo-Christians who used Biblical arguments (cf. Bez. 7a: 'הוא מינא דהוה בשבכותיה (דר' יהושע בן לוי הוה קא מצער ליה טובא בקראי). b) a variation of the same formula, we find also in use by a Babylonian scholar, R. Huna, contemporary of R. Johanan (cf. Makk. 10b: 'ר' הונא ואמרי לה . . . אמר 'ר' (אלעזר מן התורה ומן הנביאים ומן הכתובים וכו' שמואל. Cf. also TP. Shek. 3:2, p. 47c: 'ר' יוחנן: בתורה ובנביאים ובכתובים מצאונו וכו' and TP. Ned. 3:14, p. 38a-b: 'ר' יוחנן בר מריה . . . מציונו בתורה ובנביאים ובכתובים ששקולה שבת כנגד כל המצוה).

to assume that it could not have been ignored by the designer of the synagogue paintings, supervised as they were by the head, and probably the reader of the synagogue, Samuel the priest. As a matter of fact, considering the various scenes of the wall paintings from the point of view of their origin, i. e. from which of the three divisions of the Bible they are taken, we obtain the following illuminating picture:

Register A. With the exception of one uncertain panel which will be discussed later, all the paintings of this register, as far as can be ascertained, portray scenes taken exclusively from the Pentateuch (Gen. and Ex.). This may well indicate that Register A symbolizes the first part of the Scripture, *Torah*.

Register B. This register, on the other hand, shows a preponderance of panels illustrating stories taken from the Earlier Prophets (book of Samuel) with three scenes furnished by the Pentateuch (Numbers). Consequently Register B may be considered as representing the second part of the Scripture, the *Prophets*.

Register C. The prevalence of the Prophets (this time the later prophets including Ezekiel) in providing the episodes for the paintings is still more conspicuous in this register; the Pentateuch is represented only by one panel. But there appears also for the first and the last time a scene taken from the Hagio-grapha, namely, the story of Esther. The book of Esther, being the last book of the Bible, is certainly the most appropriate representative of *Ketubim*.

It is interesting to observe how closely the pictorial expression of the Torah triad follows the pattern set by the arrangement of Torah reading, prophetic portion (Haftarah), and sermon. In both cases the Torah element, the principle of unity, appears in all three stages, though in decreasing proportion. The Prophets form the bulk of the last two regions. Finally, the third register, like the sermon, is the only one to represent the triad in its totality, the union of Torah, Nebiim, and Ketubim. All this would be a very strange coincidence should we accept Rostovtzeff's view.

It goes without saying that the "threefold Torah" in determining the division of the wall surface into three zones, is only

hovering over the face of the paintings, and touches barely the external frame of the structure. As such it obviously cannot define the content of the particular panels, nor their reciprocal relationship. In other words, this triad is not the life-giving principle of cohesion of the composition. We need a more intrinsic triad motif for this purpose, a triad which permeates the very content of the particular scenes and links them from within. Moreover, in order that it may appeal to the artist's imagination and be his source of inspiration, such triad motif also should appear in a simple, almost plastic, form and not in that of an abstract, theological dogma.

Is there any other triad motif which might satisfy these requirements?

II

שלשה כתרים הם:

כתר תורה, כתר כהונה, כתר מלכות

Among the various triads the echo of which may still be apprehended in the Hebrew writings of the third century, the following seems to be the most appropriate for our purpose, because it fully satisfies all our expectations. I refer to the triad related in the "Sayings of The Fathers" (פרקי אבות) in the name of R. Simon: "There are three crowns: The crown of the Torah, the crown of the priesthood, and the crown of the kingdom."¹² Although the author of the formula is a savant of the second century, and the formula may even go back to the first century or still an earlier period,¹³ the whole impact of this apparently simple formula and its bearing upon Jewish thinking became manifest and grew to full proportions when the triad celebrated one of the "returns" in the third century. In fact, Torah, priest-

¹² Abboth IV:17; Abboth de-R. Nathan, 41:1.

¹³ Josephus, *Wars*, I:3:8: "He (John Hyrcanus) it was who alone had the three of the most desirable things in the world: The government of his people (*kingdom*), and the high-priesthood, and the gift of prophecy (-*Torah*)." Cf. also Testament of the Twelve Patriarchs, Levi, VII:11-12. The significance of the triad: Prophet, priest, and king in an earlier period is stressed by J. Bruell, *Introduction to the Mishnah (Mebo ha-Mishnah)*, 1876, vol. I, p. 1-2.

hood, and kingdom were the three bastions around which the struggle between Christianity and Judaism in the third century was waged.¹⁴

With regard to the Torah bastion, already in the second century, the voices in the Gentile-Christian camp asking for its demolition, entirely or partially, were gradually silenced by the voices of those who advocated the capture of the fortress in order to transform it into a stronghold of Christianity. In the third century, this shift of position was almost completed. Catholic Christianity was against the rejection of the Old Testament, but proclaimed itself to be the only legitimate possessor of the Torah which was transformed into a store of "Testimonies against the Jews" (Cyprian's "Collectio").

A similar change of attitude in the Christian world can be observed with regard to the "priesthood." The destruction of the Temple in Jerusalem and the collapse of the sacrificial ritual has always been one of the most effective Christian arguments against the Jews. But early Christianity stressed the abolition of the priestly institution, and did not pretend to be itself the heir of the "priesthood." It was only in the beginning of the third century, in consequence of the transformation of the eucharist sacrifice into a propitiary one, that the bishop became the priest of the Christian sacrifice, which eventually led to the transformation of the ministry of the primitive Church into the "priesthood" of Catholicism. From now on, the Christians saw in the discontinuance of the sacrifices in the Temple not a sign of the abolition of priesthood, but rather a "testimony" of its transfer from the Jews to the Christians.¹⁵

These two bastions, Torah and priesthood, were only subsid-

¹⁴ A reflection of the regeneration of the triad in the middle of the third century, may be seen in its new formulation by R. Johanan who also introduced some new symbols, cf. Yoma 72b: של מובח וירין הן, של מובח וזכר אהרן וכו' (כהונה) ושל ארון (תורה) ושל שלחן (מלכות). של מובח וזכר אהרן וכו'.

The triad exercised also a great influence upon Maimonides who reproduces the saying in his Code, section Talmud Torah III:1. Maimonides grasped the intent of the statement in his comment: ואלו השלש מעלות טובות נתנו לאומה זו.

¹⁵ James Parkes, *The Conflict of the Church and The Synagogue*, 1935, chapters 4-5; cf. also Leon Baeck, "Judaism in The Church," *HUCA*, 1925, p. 125 ff.; Juster, *des Juifs dans l'empire Romain* I, p. 44, n. 2.

iary to the main fortress, namely, the "kingdom." The kingdom, indeed, formed the central area of collision between the two sister religions from the very start. While the Jews insisted that the Messianic kingdom remained their exclusive possession, being bound up with the restoration of the Jewish kingdom, the Gentile-Christians contended that the Messianic kingdom had already found its fulfilment in the person of Jesus, independently of, and even in opposition to, the Jewish people. The importance of the Torah for the Christians consisted mainly in the "testimonies" they believed to find confirmatory of their claim to the "kingdom."

Thus, in the third century, the Christian claim to all three "crowns" became more and more persistent, and could not fail to provoke a counter-action by the Jewish savants. The leading spirits of the synagogue almost instinctively focused their attention on the three points under attack and missed no opportunity to inculcate into the mind of the congregation the conviction that they are the only legal possessors of the three realms: Torah, priesthood, and kingdom. The "kingdom" realm being, as pointed out above, the very substance of Christian contention, was especially stressed and cared for in the subtle scheme of the sermon which was brought to completion at about the same time. The kingdom theme became the favorite topic for the conclusion of the sermon, the *peroratio*, corresponding to the *consolatio* (happy ending) of the Haftarah.¹⁶ As matter of fact, most of the *perorationes* contain a glimpse of the "world to come" (*Olam ha-Ba*) in contrast to "this world" (*Olam ha-Zeh*), and are connected with the restoration of the Jewish, Davidic kingdom. However, in the older *perorationes* which seem to go back to the third century, we often find the other two themes of our triad interwoven and linked up with the kingdom theme. Sometimes special emphasis is laid on the restoration of the sanctuary and the sacrificial ritual, the realm of priesthood; at other times the importance of the Torah is stressed as the best means to speed up the coming of the future "kingdom."

The *peroratio* is by no means the only place where the echo of our triad may easily be apprehended. For it actually runs all

¹⁶ Edmund Stein, "Die Homiletische *peroratio* in Midrash," *HUCA* 1932.

through the old Midrashim and constitutes an essential element in the homiletic symbolical interpretation of the life of the great Biblical personalities and of the most important events in Israel's history. The themes Torah, priesthood, and kingdom were always present in the mind of the preachers, and they projected them everywhere. No wonder we meet them, especially in the older Midrashim, where they are least expected.

It is not our intention to dwell on this subject here. A few characteristic instances, showing the application of our triad by Jewish preachers and scholars of the third century, may suffice for our purpose. The examples quoted here have, as will be seen later, a certain bearing on the paintings of the Dura synagogue.

Gen. 49.24: "By the hands of the Mighty One of Jacob. From thence from the shepherd, the *Stone of Israel*." According to R. Ḥanina, this verse, homiletically interpreted, indicates: 1) That the Torah was given (exclusively) to Israel on account of the merit of Jacob; the meaning of the verse being: From the shepherd Jacob came the tablets of "Stone" to Israel. 2) That the sanctuary was built — and will be rebuilt — on account of the merit of Jacob, because, on the basis of Isa. 28.16: "Behold, I lay in Zion for a foundation a stone," we may consider "stone" as a symbol for the sanctuary. 3) That the *king Messiah* will come on account of the merit of Jacob, because "stone" symbolizes also Messianic kingdom, and this on the basis of Dan. 2.35: "And the stone that smote the image became a great mountain," referring to the last kingdom.¹⁷ Thus, from the same verse we derive that all three "crowns" are the legacy of Israel as descendants of the shepherd Jacob.

It seems to indicate clearly that, in the mind of the Jewish preachers of the third century, the three themes are so intimately connected with one another that they should come forth from one and the same root. This common root is Jacob, the *Stone of Israel*.

¹⁷ Bereshit Rabbati, ed. Albek, Jerusalem, 1940, p. 244. We quote here the complete text which is to be found in Sabba's *Zeror Ha-Mor* (cf. editor's note II): אמר ר' חנינא התורה לא נתנה אלא בזכות יעקב . . . ב' ית' המ' קדש אינו: . . . נבנה אלא בזכות יעקב . . . מ' ל' המ' ש' יח' אינו בא אלא בזכות יעקב . . .

A rather curious manifestation of our triad is the following Midrash on Ps. 22.27: "Let the humble eat and be satisfied." This, says the Midrash, refers to Mordecai and Esther who were worthy of sharing the *table of kings*. It is related by tradition, continues the Midrash, that the wealth of Haman was divided into three parts: One third went to Mordecai and Esther (-kingdom); another one was assigned to those who busied themselves with the *Torah* (-Torah); the last one was apportioned to the building of the *sanctuary* (-priesthood).¹⁸

Characteristic is the following Midrash where the triad apparently is inserted into a quartet: "R. Simon bar Abba reports in the name of R. Johanan: there were four things that the Holy One, blessed be He, showed to Abraham, namely Torah, sacrifices, Hell, and the kingdom."¹⁹ However, it is clear that the guiding idea is that the triad of Torah, sacrifices, and kingdom represent the positive, counter-balancing value to hell as the destructive element.

The triad assumed the form of a quartet in another Midrash: "The Holy One, blessed be He, said: 'I have given to the children of Israel *four horns*: The horn of Israel, the horn of *Torah*, the horn of *priesthood*, and the horn of *kingdom*.'"²⁰ Here too the triad Torah-priesthood-kingdom forms the core of the "horns;" Israel, the first one, being the indispensable condition, the common root of the triad.

Moses. Once the triad became the leading principle in Jewish thinking, and the shiboleth of Judaism in the third century, it could not fail to be projected into the Biblical heroes. We have already seen how Jacob, the "stone of Israel" became the cornerstone of our triad. Similarly Moses, the embodiment of the Torah,

¹⁸ Midrash Tehilim, ed. Buber, p. 197: זה מרדכי ואסתר, זה אכלו עניים וישבעו. שוכו לשלחן מלכים (Table is symbol of kingdom, cf. above, note 13) חניא לשלשה חלקים נחלקה ממונו של המן, שליש למרדכי ואסתר, שליש לעמלי תורה, ושליש לבנין בית המקדש.

¹⁹ Pesikta Rabbati, ed. Friedmann, 67a: אמר ר' יוחנן אמר: ארבעה דברים הראה הקב"ה לאברהם אבינו: תורה וקרבנות ניהנם ומלכות שמעון בר אבא בשם ר' יוחנן אמר: (cf. Gen. R. 44:24).

²⁰ J. Mann, *The Bible etc.*, Hebr. Section, p. 122 קרנות ארבע קרנות (cf. Gen. R. 44:24). אמר הקב"ה ארבע קרנות קרנם (-קרן ישראל), וקרן התורה, וקרן כהונה, וקרן המלכות נתתי להם בסיני: קרנם Cf. editor's note 26.

the vertex of the triad, was considered as representing, to a certain extent, also the two other elements of the triad. As matter of fact, in commenting on the verse: "And he (Moses) said: Here am I," the Midrash interprets: "Here am I ready to assume the office of *priesthood*, here am I ready to assume the office of *kingdom*, whereupon the Lord answered: 'Draw not nigh hither,' which means: Thy sons will not minister the sacrifices to me, because priesthood was assigned to Aaron; thy sons will not be kings, because kingdom was apportioned to David." Nevertheless, concludes the Midrash, Moses himself obtained both, priesthood and kingdom.²¹ It may be worthy of notice that, while there seems to have been no difficulty in letting Moses share the crown of kingdom with David, because Moses was actually the ruler of Israel, there seems to have been some hesitancy in the mind of certain savants of the third century to let Moses share the crown of priesthood with Aaron. But the concept of Moses as the embodiment of the entire triad prevailed, and this, seemingly, under the influence of Babylonian schools. Indeed, it was Abba Areka, the founder of the academy in Sura in the first half of the third century (d. 247), who asserted that Moses was a high priest.²²

²¹ ExR 2:6: ויאמר הוֹנִי, הוֹנִי לכהונה ולמלכות... אף על פי כן זכה משה לשחיתן.

²² Zeb. 101b: אמר רב משה רבינו כהן גדול היה וחולק בקדשי שמים היה. Cf. Pesikta Rabbati 63b, especially editor's note 90.

It may be noted in passing that priesthood seems to have retained much more of its dignity and prestige in the Babylonian than in the Palestinian center. In Babylonia, indeed, the priests, even during the Talmudic period, seem to have formed the majority of the learned nobility. Most of the famous Babylonian scholars were *Kohanim* (e. g.: Mar Samuel, R. Elazar ben Pedath, R. Ammi, R. Assi, R. Hisda, Rabba, Abayye, and Raba). It is also reflected in the following facts: a) There is Babylonian Talmud on the fifth order of the Mishnah which deals mainly with matters concerning the sacrificial cult, but there is no Palestinian Talmud on this order; b) the Babylonian scholars were much more acquainted with the *Torat Kohanim* (*Sifra*), the halachic Midrash on Leviticus, than were the Palestinian scholars (cf. Yebam. 72b, the Babylonian R. Elazar ben Pedat uses the *Torat Kohanim*, unknown to R. Johanan). That the *Sifra* (*Torat Kohanim*) was compiled and studied primarily in the Babylonian schools, was pointed out by A. Epstein in his *Beitraege zur juedischen Allertumskunde* (Hebrew), 1887, p. 50 ss. All of this indicates much more interest in the "priestly" world on the Babylonian's

Inasmuch as our artist moves in the homiletic-symbolic world of the Midrash, as has already been shown in a few panels, and will emerge still more in the course of our investigation; and in as much as the controversy between Christians and Jews in that crucial period of the third century focused the attention of Jewish scholars and preachers on the triad Torah-priesthood-kingdom; it seems safe to assume that an echo of this triad, its pictorial expression, should resound in the wall paintings of the synagogue. All the more so, since the triad, as we have seen, has found such a simple and plastic formulation as "three crowns" which could not fail to appeal to the designer's artistic imagination. As matter of fact, the "three crowns," partially or in their totality, have been for almost two thousand years one of the most familiar features in the decorative art of the synagogue.²³

Applying, therefore, our triad to the wall paintings, it should not be difficult to recognize in Register A the proper artistic expression of the "crown of Torah" embodied in the overtowering figure of Moses, especially in the two portrait panels, "Moses and the Burning Bush" and "Moses ascending the Mount Sinai."²⁴ Nor can there be any doubt about the central theme which runs all through the panels of the second zone. Register B, with Aaron as the main figure, and most of the panels portraying scenes connected with the Ark and sacrificial ceremonial, it obviously represents the "crown of priesthood." As matter of fact, the themes of Register A and Register B have been recognized, in one way or another, by Kraeling and Du Mesnil;²⁵ it is all too obvious to be overlooked.

side. The Dura community seems to have followed, in this respect, the Babylonian trend. The head of the synagogue, as indicated in the above mentioned Aramaic inscription, was *Samuel, the priest*.

²³ In the earlier period the most familiar symbols of the three elements of the triad were: the Ark of the Covenant (*Torah*), the *Menorah* (priesthood), and lions (kingdom). In the later Middle Ages new symbols appear: The two tablets instead of the Ark, Kohanite hands (priesthood). The lions remain the main symbol for kingdom.

²⁴ The two portraits, as indicated in note 4, form almost one combined picture.

²⁵ Kraeling, p. 166 s; Du Mesnil, p. 48.

Not quite so manifest, at first sight, is the artistic expression of the "crown of kingdom" in the third zone, Register C. To Rostovtzeff, as we have seen, it simply represented a medley of disconnected scenes defying any principle of unity and order. Kraeling and Du Mesnil are looking for some didactic or theological principle, and are on the right track, but still far from the clear vision of the "kingdom" theme. And yet, from the point of view of planning, Register C, of all three Registers, is the best contrived, and the best executed.

We should only bear in mind that, in the homiletical world of the third century, the "kingdom" theme assumes more and more the plural form of "kingdoms" (מַלְכוּתִים). For it is not alone the ultimate goal, the fulfilment of the Messianic reign that the preachers were concerned with but, following Daniel's vision, rather the world drama, the rise and fall of the world empires (generally conceived as four) that agitated their mind and imagination, and we may add also the imagination of our artist.

Seen from this perspective, we cannot fail to admire the skill with which the artist arranged the first three scenes of the west wall in Register C in order to convey to the observer the idea inherent in the "kingdom" theme. Following the homiletical fashion of the time, the artist portrays rather the various "kingdoms," i. e. empires, which have to be overthrown to prepare the way for the final triumph of the Messianic "kingdom." Thus, in the panel of Moses' infancy as well as in that of Mordecai and Esther, we see the two kings, Pharaoh and Ahasverus, on the throne, symbol of the kingdom, faced by their contenders, Moses and Mordecai respectively, who were destined to overthrow them. Between these two panels, we have the scene of the anointment of David. Here the anointed king is not seen on the throne, because it rather symbolizes David's destiny of final triumph after the fall of all the other "kingdoms"; it signifies the "promise," not the fulfilment of the Messianic "kingdom." Since this kingdom will be final, David is placed in the center of the scene, opposed by nobody. On the other hand, even this scene has as its historical background Israel's struggle with Agag, the king of the Amalekites, which was the cause of Saul's downfall and David's enthronement. Now, according to rabbinic tradition,

Haman, the *Agagite*, was a descendant of *Agag*, the king of the Amalekites, and consequently the Esther panel is nothing other than the second act in the struggle between Israel and *Agag* or the third act if we go back to the struggle with Amalek.²⁶

Needless to say that the last goal of this struggle remains the final triumph of the Messianic kingdom over the last adversary kingdom, the Roman Empire. The way the artist solved the delicate problem how to depict the fall of the Roman Empire in the presence of the Roman authorities in Dura will be discussed later, when the details of Register C will be dealt with.

The best guide to Register C is the following Midrashic comment on Ex. 17.16: "The Lord will have war with Amalek *from generation to generation*." Three explanations of this verse are contained in the Midrash: 1) R. Eliezer explains: from the generation of *Moses* to the generation of *Samuel*; 2) R. Joshua explains: from the generation of *Samuel* to the generation of *Mordecai and Esther*; 3) R. Jose, the Galilean, explains: from the generation of *Mordecai and Esther* to the generation of the *Messiah* . . ."²⁷ It hardly could be a mere coincidence that the first three panels, read from right to left, depict the process of the realization of the Lord's kingdom and His wars with the usurpers of this kingdom, exactly in the direction outlined by this Midrash. Indeed, from the generation of Moses and the infancy of Moses, we pass to the generation of Samuel and the

²⁶ This tradition is the basis of the Tannaitic institution of "Sabbath Zakor," and is reflected, of course, in most of the homilies for this particular Sabbath. Cf. also Josephus, *Ant.* XI, 6, 5.

²⁷ Pesikta de-R. Kahana, ed. Buber, p. 29a: מדור דור . . . ר' אליעזר אומר: מדורו של משה ועד דורו של שמואל, ור' יהודה אומר: מדורו של שמואל ועד דורו של מרדכי ואסתר, ור' יוסי הגלילי אומר: מדורו של מרדכי ואסתר עד דורו של משיח, שהוא שלשה דורות. Cf. the editor's notes. Cf. also Mekilta, ed. Lauterbach, p. 161, lin. 188-191.

There is one difficulty. In the Pesikta, "the generation of Moses" refers to Israel's struggle with Amalek. Our artist gives us instead a scene taken from Israel's struggle with Pharaoh. The choice of the scene will be explained later when we shall deal with the details of Register C. We may, however, remark right here that, in homiletical circles, the two adversaries, Pharaoh and Amalek, sometimes were considered as equivalent and exchangeable. Cf., for instance, Pesikta de-R. Kahana, p. 101a f.: זה ר' יודן פתח, יצילני מאויב עז, זה: זה . . . מאן דאמר פרעה ומאן דאמר עמלק פרעה. . . .

anointment of David; from the Samuel panel we pass to the Mordecai and Esther panel. We shall revert to our Midrash as a reliable guide later on in our attempt to reconstruct and interpret the injured panels of Register C.

Simple and general as this basic directive idea of the triad may appear, it proved to be a reliable guide through the various scenes which seemed hopelessly confusing and forming an inextricable labyrinth. It will also prove to be of considerable help in the reconstruction and explanation of certain obscure panels, provided we make every effort to read the Biblical text not in the literal sense, but in the homiletic symbolical perspective of the popular preachers of the third century. We should not suppose that the knowledge of the Midrashic interpretation at that time was a matter of special erudition as it is nowadays. Actually such interpretation was more familiar to the members of the congregation than what we call the literal sense of the Bible. The various Aramaic paraphrases, to say nothing of the Sabbatical sermon they used in the synagogue, were full of homiletical amplifications. Only by reading the Bible in the symbolic perspective of these Aramaic paraphrases may we succeed in grasping the guiding principle of the general plan as well as the meaning of the particular components.

III

Register A — כתר חורה

תורה צוה לנו
משה מרשה קהלת יעקב

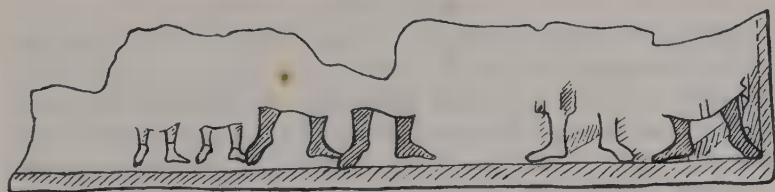
What new light does our triad principle shed on each particular zone? Let us first consider Register A. Beside the Exodus story and the portrait panels of Moses mentioned above, there is only one more panel in Register A which has been quite certainly identified. It is located in the west corner of the north wall and represents the well-known episode of Jacob's dream (Gen. 28.10 ff).²⁸ Now, according to our view, we should find some

²⁸ Du Mesnil, p. 28-29 (No. 3), Plate XIV, 2.

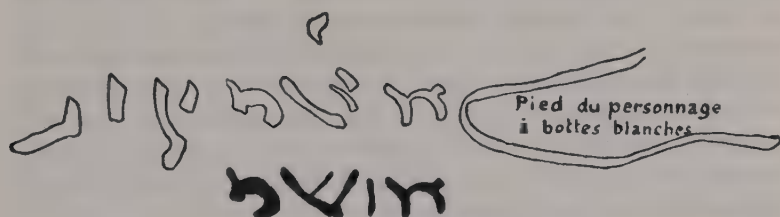
of the forerunner of Moses, it becomes clear that Jacob's vision is conceived as the counterpart of the heroic figure of Moses. In the first place, it alludes to the crown of Torah, the Sinaic revelation but, at the same time, reflects also the other themes of the triad, the priesthood and the kingdom. The only difference is that, in the case of Jacob, it is only a dream, a promise; in the case of Moses, we have already a partial realization of this dream.

With this we have exhausted the elucidation of the more or less identifiable panels of Register A, and have shown how well they fit into our triad scheme. We now venture one step further and try to guess the content, of course not the form, of the destroyed and almost obliterated panels of this register. Our suggestion that the artist assigned to the patriarch Jacob a role parallel to that of Moses, i. e. of personifying our triad in its totality, may well serve as starting point. For if this is true, it seems reasonable to assume that Jacob's dream on the north wall constitutes only the first link of a longer chain of scenes centered around the figure of Jacob and forming a Jacob cycle similar to the contiguous Moses cycle on the west wall. Such a cycle, we may imagine, consisted of episodes drawn from the narrative of the patriarch's life (following more or less the order of the book of Genesis, from chapter 28 to the end)³² in which the artist might have found foreshadowings of the gradual realization of Jacob's dream. All of this, obviously, is but a mere figment of our imagination and has no place in a scientific investigation. But let us for a moment suppose that we have succeeded in discovering also the last link of the assumed cycle; our mental construction at once becomes a legitimate factor in the realm of scientific conjecture. Now, we believe we have actually detected traces of the final link of our hypothetical cycle in one of the most damaged panels on the west wall opposite the Moses cycle.

³² It is interesting to note that R. Johanan interprets ספר הישר the Book of Genesis which he designates as "The book (i. e. the story) of Abraham, Isaac, and Jacob" (cf. 'A. Z. 25a: מהו ספר הישר? אמר ר"ה בר אבא א"ר יוחנן זה ספר אברהם: (יצחק ויעקב שנקראו ישרים). There can be no doubt that the book of Isaac (Isaac cycle) begins with ואלה תולדות יצחק (Gen. 25.19), while the book of Jacob (Jacob cycle) starts with ויצא יעקב (Gen. 28.10).



3. JACOB'S BURIAL



4. DIPINTO, HUSHIM BEN DAN

Jacob's Burial. Only faint vestiges of feet can still be traced, not enough to suggest any identification. However, Kraeling was the first to indicate that there are also traces of a *dipinto* which, as he surmised, may yet yield the key to the identification of the scene. An important step forward in the deciphering of the *dipinto*-inscription was accomplished by Du Mesnil. He actually gives us a careful drawing of the *dipinto* which he reads: חושם צין, and interprets: "Hushim has designed."³³ The inscription would then be the signature of the designer. Yet, the expression צין in this meaning is, to say the least, unusual. On close observation of Du Mesnil's drawing it seems more likely that the correct reading of the *dipinto* is חושם בן דן (fig. 4) (cp. Gen. 46.23). "Hushim ben Dan" is a well known legendary figure in the Midrashic world of the third century where he plays an important role in the imagery of Jacob's burial. There are several versions of this

³³ Kraeling, p. 41 (349); Du Mesnil, p. 48 (No. 9), Plate XXII, 2; also p. 162, Fig. III.

legend, and we bring here the shortest one, that of Pseudo Jonathan. It reads as follows: "When his (Jacob's) sons had brought him into the land of Canaan, and the thing was heard by Esau, he marched from the mountain of Gebala with many legions, and came to Hebron, and would not permit Joseph to bury his father in the Cave of Machpelah. Immediately Naphtali went and ran to Egypt, and returned on that day, and brought the instrument that Esau had written for Jacob his brother in the contention of the Cave of Machpelah. Immediately he made a sign to Hushim the son of Dan who drew the sword and cut off the head of the wicked Esau, and the head of Esau rolled into the midst of the Cave . . ." ³⁴ From the Elijah cycle in Register C in which the artist had also introduced a legendary person "Hiel," we know the artist's method of indicating the name of such a person in an inscription. It is therefore safe to assume that he did the same here, so that the panel in question, in all likelihood, portrayed the scene of Jacob's burial.

³⁴ Sot. 13a; Pseudo Jonathan, ed. Ginsburger, 1903, p. 96, Gen. 50.12; Engl. translation by Etheridge, *The Targums*, 1862, p. 342. In the Talmud mentioned above, this version is referred to in connection with certain homiletical interpretations of this Biblical passage by R. Johanan and R. Abbahu, his disciple. It is therefore safe to assume that this tradition was well known in this Galilean center. In the southern Judean center, another tradition seems to have been current, according to which it was Judah who killed Esau. Indeed, TP Ket. I:5, p. 25c, reads: *בראשונה גזרו שמד ביהודה שכן מסורה להם מאבותם שיהודה הרג את עשו*. Cf. *Aggadat Bereshith*, ed. Buber, 1902, p. 160, editor's note 14.

The same tradition is related by R. Joshua b. Levi (head of the Judean circle in Lydda) in Midrash Tehilim 18:32: *מסורה אנדה לוי יהושע בן לוי, מסורה אנדה ליהודה הרג את עשו*. A combination of both traditions seems to be represented by R. Hama b. Hanina who states that the Messiah will descend from *Judah*, on his father's side, and from *Dan*, on his mother's side (GenR. *שטה חדשה*, on Gen. 49.9: *אביו מיהודה, אמו מידן*). Cf. *Bereshit Rabbati*, Albek, p. 243/44, and editor's note. It may be noted that, according to J. S. Zuri, R. Yose b. Hanina of Caesarea, 1926, p. 161, Hama b. Hanina was a brother of Yose who came from Lydda to Caesarea, and grafted Judean traditions into the Galilean stock.

According to an earlier tradition it was Jacob who killed Esau (cf. *Jubilees*, from Ethiopic text, by Charles, 1902, p. 220, XXXVIII, 2, and editor's note).

It may be noted that Du Mesnil who, among the scholars, most deeply penetrated into the technique of our artist, quite intuitively realized that the traces of feet in our panel are those of Jacob's children but since he was looking for a plain Biblical scene, Du Mesnil missed the point, and was thrown off the track.

In view of the fact that the panel on the west corner of the north wall reproduces Jacob's dream at the start of his adventurous journey (after Gen. chap. 28), and the panel on the opposite side, on the south corner of the west wall, portrays the episode of Jacob's burial, it seems reasonable to assume that the space between these two panels, viz. all around the north wall, through the east and south wall, was filled with scenes taken from the dramatic narrative of the eventful life of Jacob and his children, especially that of Joseph. That the episode of Jacob's burial forms the most appropriate and quite natural close of such a cycle is self evident, but it assumes still more significance when taken in its symbolical meaning. We should keep in mind that, in the symbolic language of the third century, the death of Esau by the sword of *Hushim ben Dan* foreshadows the ultimate victory of the Messianic kingdom over the fourth kingdom, Esau-Edom, the Roman Empire.³⁵ Since the starting point of the cycle, Jacob's dream, in the homiletic version mentioned above, reflects the promise of Torah, priesthood, and kingdom, we should expect the cycle to close with a scene representing the triumph of the Messianic kingdom, the last element of the triad, after the pattern of the perorations in the homilies.

Our triad scheme which thus far has worked quite smoothly, is challenged by the panel, known as the "Solomon Panel" (Fig. 5). It is located on the west wall between the "Hushim ben Dan" panel, described above, and the portrait panel of Moses to the left of the central area. The panel is badly damaged and hardly identifiable in itself were it not for a certain Greek inscription on the bottom which reads "Slymo" and seems to leave no doubt about the connection of the panel with some episode of Solomon's life. The only uncertainty among the

³⁵ Cf. preceding note.



5. SOLOMON'S JUDGMENT, OR PHARAOH'S COUNCIL

scholars is whether it represents Solomon's judgement (after Ki. 3.16 ff.) or Solomon and the Queen of Sheba (after I Ki. 10).³⁶ Neither of these scenes however fits into our structure. We admit that, granted that the Greek *dipinto* was executed by the painter himself, this panel is an exception and remains outside the general plan as outlined by us. We may try to explain the exception in the following way. It is possible that, for certain reasons unknown to us, the Jacob cycle underwent certain changes in the course of its execution and that, in consequence of such changes, one panel originally planned had to be omitted. The blank space which resulted from this omission had then to be filled in with a disconnected scene.³⁷ Such things may happen even in the best conceived compositions.

However, since the origin of the Greek *dipintos* and their reliability has not yet been definitely established, I dare dis-

³⁶ Kraeling, p. 40-41 (348-349); Du Mesnil, p. 46-48 (No. 8); Plate XXII, I.

³⁷ Du Mesnil envisages a similar process with regard to a certain panel in Register B. (Cf. Du Mesnil, p. 92 — No. 18 —). The reason for the revision of the plan in our case might have been the following: The number of the panels and their distribution in Register A was fixed before the artist decided to repaint the central area. When he later resolved to include the space of the central area in the plan, he had to locate one panel, originally assigned to the left of the central area, in the central area. Consequently a corresponding space at the end of the Jacob cycle remained blank. (Cf. *infra*).

regard the *dipinto* and venture an entirely different identification of this panel. The basis of our suggestion is the minute description of the traces by Kraeling and Du Mesnil. According to this description, we still see traces of the lower part of the famous "Solomon's Throne" with a royal person seated on it. Beside the throne, traces of three chairs are perceptible; two of them are occupied by two counselors (*syncatedroi*) and one is empty. On the opposite side we discern traces of two women advancing towards the throne and of a man standing between them and the throne.

Let us now forget the *dipinto* and try to find a scene which would best combine and give meaning to all these traces and would at the same time fit into our frame. Assuming our two cycles scheme, one feels the need of some panel which might serve as a bridge, a passage from the Jacob cycle to the Moses cycle. One may expect the scene of Jacob's burial — which took place in Palestine — to be followed by an episode in which we see the children of Israel back in Egypt out of which the hero of the Moses cycle is bringing them forth. The most appropriate scene in this regard would be that of Pharaoh holding council how to prevent the children of Israel from becoming a menace to Egypt (Ex. 1.10), combined with the scene of the two midwives receiving instructions to kill the newborn male children (Ex. 1.15). We should bear in mind that, according to the Midrashic amplification of these scenes, there were three counselors in Pharaoh's council: Balaam, Job, and Jethro. Balaam advised the killing of the newborn, Job remained silent, while Jethro fled, because he opposed Balaam's advice.³⁸ In the light of this Midrash, we are able to combine all the visible elements of the panel and render them meaningful. Seated on the throne is of course Pharaoh. On the one side the chair with the principal counselor, *syncatedros*, Balaam; on the opposite side the other chair with Job. The third, the empty chair, is that of Jethro who in protest forsook the chair and is now leaving the council; while the midwives,

³⁸ Sot. 11a: סימאי שלשה היו באותה עצה, בלעם ואיוב . . . יתרו, בלעם שיעץ . . . איוב ששחק . . . יתרו שברח . . . R. Hiyya Bar Abba, disciple of R. Hanina, belonged to R. Johanan's circle.

Shiphrah and Puah, are entering the palace to receive instructions with regard to carrying out Balaam's advice.

But what does Solomon's throne do in a Pharaoh scene? We certainly should not be surprised to encounter the famous throne in Pharaoh's palace, since a Midrashic tradition, used by our artist in Register C, tells us about the migration of Solomon's throne to Egypt, Persia etc. True, according to this tradition, the throne was brought to Egypt several centuries later, under Shishak king of Egypt, but such anachronisms are to be expected from an artist of the third century (a preacher of that time identifies Shishak with Pharaoh), all the more so, since he, as Kraeling rightly points out, was eager to seize the first opportunity to introduce the celebrated throne.³⁹

Still another objection might be raised against our conjecture, viz. that the appearance of the midwives before Pharaoh is inserted in the panel depicting Moses' infancy in Register C, and it would seem unlikely that the artist had painted the same episode twice. But this of course depends on the interpretation of certain details in the Pharaoh-Moses panel in Register C with which we intend to deal later.

That now a visitor (perhaps a non-Jewish painter interested only in the technical aspect of the paintings) who was not acquainted with the Midrashic amplification of the Pharaoh episode could have misunderstood the picture for the story of Solomon's judgment, better known, especially among non-Jews, and accordingly scribbled the letters "Slymo" on the bottom is obvious and needs no further elucidation.

Whatever we may think of this last panel — whether as an organic part of the composition or merely as a stop-gap of a vacancy in the west wall caused by the revision of the original design — Register A, as a whole, seems to follow a well conceived plan easy to grasp. Concerning the subject matter, it proved to form almost a running illustration of the second half of the book of Genesis and of the first half of the book of Exodus. Following the Biblical division, the artist divided the entire

³⁹ Kraeling, p. 40 (348), note 21; Du Mesnil, p. 46, notes 2, 3; cf. Esther R. I:12: אמר ר' שמואל בר נחמן, הוא שישק הוא פרעה.

material into two cycles: 1) The Moses cycle which may also be called the Exodus cycle; occupying the right side of the west wall and including also the portrait panel at the left; 2) The Jacob, or the Genesis cycle, running through the rest of the space, starting at the west corner of the north wall. And if our interpretation of the alleged "Solomon panel" be right, we have, also on the west wall, one panel contiguous to the Moses portrait at the left which we may consider as the bridge between the two cycles. Indeed, it represents a scene in which Jacob and Joseph were dead and Moses not yet born.

Unity of Thought. One may ask: Why did the designer, in outlining his plan, deflect from the Biblical order which is also the chronological one, and give priority to the Exodus cycle? But we should not forget that Register A, as pointed out above, was conceived, in the first place, as a pictorial expression of the "crown of Torah," and this explains fully the prominence given to the Moses cycle. But what is the precise function of the Jacob cycle? The intimate unity of the two cycles will become manifest if we keep in mind what we have touched upon above, namely, that it was not the general proclamation of the triad Torah-priesthood-kingdom that the Jewish authorities of the third century endeavored to inculcate in the mind of the congregants, but rather the affirmation that these three values are Israel's exclusive legacy, his inalienable inheritance. In doing so, the Jewish authorities intended to counteract the Christian claims to the Old Testament and to its "promises." Since the Christians, in their contest, often based their claim upon the fact that the promises were made to Abraham the "father of a multitude of nations," it seemed imperative for the Jews to insist emphatically on the insoluble union of the Torah and Israel, the descendants of Jacob, excluding Ismael and Esau.⁴⁰) This is precisely the function of the Jacob cycle in our Register; it should incul-

⁴⁰ The reaction to the Christian claim that they are of the "seed of Abraham" may be seen in the Mishnah Ned. III, 11 (or 12): שאני נהנה לזרע אברהם; אסור בישראל ומותר באומות; ואין עשו בכלל זרע יצחק: TP: ר' אחא בשם רבי הונא עתיד עשו הרשע . . . והקב"ה גזר ומוציאו משם לעטוף טליתו ולישב עם הצדיקים בן עדן. In this connection, TP relates the following saying: ר' אחא בשם רבי הונא עתיד עשו הרשע . . . והקב"ה גזר ומוציאו משם לעטוף טליתו ולישב עם הצדיקים בן עדן. which seems likewise to allude to these Christian claims.

cate in the mind of the members of the congregation the conviction that they alone, as descendants of Jacob, are the legitimate heirs of the Torah.

We are now tempted to indicate the source which might have prompted our artist, and suggested to him the concept as well as the distribution of the two cycles. I refer to the following statement of R. Johanan ben Nappaḥa, the authoritative Jewish voice of the third century: "A non-Jew who busies himself with the Torah (i. e. lays claim to the Torah) forfeits his life, because it is said: *Moses commandeth us the Torah, an inheritance of the congregation of Jacob* (Deut. 33.4), which means it is *our* inheritance, not theirs."⁴¹ This statement is not simply a *bon mot* as some of us might be inclined to believe and accordingly to disregard. We may instead consider it as the authoritative Jewish reaction to the increased Christian claim to the Old Testament and as the general instruction given to the Jewish communities abroad for contesting such claims. There seems to be no doubt about the meaning of the phrase "not theirs."

If this be the case, our designer followed these instructions faithfully. The verse of Deut. 33.4 dictated the order of both cycles. The first hemistich: "Moses commandeth us the Torah" finds its most adequate expression in the Moses cycle. The Jacob cycle, on the other hand, especially in its homiletic symbolic version, is a well conceived illustration of the second hemistich: "an inheritance of the congregation of Jacob," an exclusive legacy of Israel. Whoever else lays claim to this inheritance forfeits his life. This might be alluded to in the last panel of the Jacob cycle in which is shown Esau forfeiting his life and be-

⁴¹ San. 59a: ואמר ר' יוחנן נכרי שעוסק בתורה חייב מיחה, שנאמר חורה צוה משה; מורשה, לנו מורשה ולא להם מורשה קהלת יעקב, אל תקרי מורשה אלא מאורסה, שתורה מאורסה היא לישראל וכאשר איש לאומות העולם. The editor's note 8 fails to grasp the intent of the sentence. The same idea seems to be expressed by R. Johanan's motto: "The Lord of host is *with us*, the *God of Jacob is our high tower*, Sela" (TP Ber. V:1, p. 8d: רבי חזקיה... בשם ר' יוחנן, לעולם אל יהא הפסוק הזה זו מתוך פיך; The parallel role of Jacob and Moses found also its expression in the following saying of R. Johanan: "Jacob our father did not die" (Ta'an. 5b: יעקב אבינו לא מת. (הכי אמר ר' יוחנן). The same is said of Moses (*Midrash Tanaim*, Hoffmann, p. 224: משה רבינו לא מת).

headed by Hushim ben Dan because he laid illegal claim to the inheritance of Jacob, the cave of Machpelah.

A new problem arises: Who was the originator of such an elaborate scheme? As long as we follow, with some restriction, Rostovtzeff's view, namely, that the various panels were only loosely, almost capriciously, put together, such a question is out of place. The fancy of the donors coupled with the supervision of the *archisynagogos* could be deemed entirely sufficient for such a careless structure. But our concept of the composition presupposes a great deal of coherent thinking and planning which could hardly be accounted for by the fancy of the donors and which would transcend the intellectual capacity of a local head of an insignificant Jewish community like that of Dura-Europos. The only satisfactory answer would be to attribute the origin of the scheme to the most outstanding personality of this period. Indeed, the more I contemplate the composition in its inner structure, the more I am inclined to trace back the life-giving concept of the paintings, as well as the general instructions concerning its translation into pictorial language to no less an authority than R. Johanan ben Nappaḥa, the head of the academy of Tiberias, the highest Jewish authority of the time. This would account for the fact that we are able to apprehend, in the paintings and their arrangement, the echo of statements and of homiletical symbols coined by R. Johanan and his school.

Strange as this suggestion may appear at first sight, considerations of a different nature lead me to the same conclusion. Those who made invaluable contributions to the elucidation of our paintings did not think it necessary to pay due attention to the controlling organs of Jewish religious life in this historical conjuncture. Had they done so they would have realized that, through a combination of personal contact with emperor Alexander Severus and favorable political conditions, the patriarch Judah II succeeded in strengthening immensely the dignity of his office. And Judah II exercised his quasi-royal authority with great vigor and efficacy, regulating and directing, with an iron hand, Jewish religious life all over the Roman Empire through his emissaries, the *apostoli*. And even beyond the

borders of the Roman Empire, in the Babylonian center, his enactments were enforced.⁴²

Keeping in mind this regulating and controlling power of the Tiberian center, patriarchate, and academy, we cannot fail to realize that it is simply inconceivable that an innovation of such importance as the painting of human figures on the walls of a synagogue and the use of Biblical stories for this purpose, could have been undertaken without permission and instructions from the head of the academy, R. Joḥanan, adviser and deputy of the patriarch in religious matters. Moreover, the very fact that the Palestinian Talmud relates that "in the days of R. Joḥanan the people started to paint the walls, and R. Joḥanan did not keep them from doing so,"⁴³ implies that the matter was brought before R. Joḥanan, and discussed in the academy. True, R. Joḥanan here seems to have assumed an indifferent attitude and contented himself with a simple: "No objection." But the Talmud may refer to a private house where such neutral attitude is justified. Concerning however our synagogue where the patriarch's supervision was especially strict and where, in addition to the painting of human figures, the use of a Biblical text for such purpose was involved, the indifferent attitude of "No objection" is most unlikely. Here positive directions were imperative, and we may assume that they are legible in the various paintings of the synagogue and in their arrangement.

Our own reading of these instructions, as reflected in Register A, has been indicated in the course of our investigation and may be summed up as follows: You may use Biblical scenes in

⁴² Cf. Graetz, *Geschichte der Juden*, 4th ed., p. 220 f., (chap. 13), and especially note 23, p. 450 f.

In this connection it may not be out of place to mention the passage in the inscription of the Stobi synagogue (Macedonia, second century; cf. J. B. Frey, *Corpus inscriptionum Judaicarum*, 1936, p. 504 s) which reads: "Should anybody undertake any change in the construction of the holy place, he should pay 25,000 dinars to the patriarch." According to some scholars it refers to the patriarch in Palestine and would then indicate that the authority of the patriarch in matters concerning the construction of synagogues reached as far as Macedonia.

⁴³ TP A. Z. III, 3, p. 42d: Cf. Midrash Debarim Rabba, ed. Lieberman, p. 132, and editor's note 2.

order to stress that Moses was the only one to receive the divine Torah and that the descendants of Jacob, Israel, are the exclusive heirs of this "Crown"; all other claimants are usurpers. These instructions fall perfectly in line with R. Johanan's statement in the Babylonian Talmud (San. 59a) cited above.

Was there any special emergency which prompted the imparting of such instructions at this particular historical moment? I believe we may, in the following manner, reconstruct the process which led the Jewish central authority in Tiberias to issue these instructions. Under the syncretistically minded emperor Alexander Severus (222-235) who admitted to his *lararium* both Jewish and Christian emblems, Jewish and Christian representatives rivaled in courting the emperor's favor and brought about a clash between the two sister religions which assumed a rather political character. Jews and Christians could have lived in peace under the protection of the tolerant emperor, had the Christians contented themselves with the assertion of their own faith as one of the many oriental religions admitted to the emperor's *lararium*. But, for many intrinsic and external reasons, the Christians insisted on collecting "testimonies" from the Old Testament which would prove that they are the heirs of Israel. The dispute between Christians and Jews on this matter was by no means a mere theological one; it also entailed an important political issue. The Jews, as is well known, enjoyed certain *privilegia* granted to them by the earlier emperors. In claiming the right of succession to the Jewish inheritance, the Christians claimed also the *privilegia* for themselves. It seems that, for a certain time, the issue remained in the balance, because the emperor was subject to pressure from both sides but, in the end, the Jewish point of view prevailed. Alexander Severus recognized the exclusive right of the Jews to the *privilegia*, but this did not prevent him from tolerating the Christians as followers of one of the religions admitted to the emperor's syncretistic pantheon. This seems to be the substance of Lampridius' statement about Alexander Severus' attitude towards the Jews and the Christians: "Iudaeis privilegia reservavit; Christianos esse passus est."⁴⁴

⁴⁴ Reinach, *Fontes rerum Judaicarum*, Textes, I, p. 348, # 204a, b; Juster, *Les Juifs dans l'empire Romain*, I, p. 44, note 2; p. 233, note 1.

It is a fair guess that it was at this critical moment in the Christian-Jewish contest that the Tiberian center issued its instructions how to cope with the Christian claim to the "Crown of Torah."

One final remark. If our suggestion be correct, and the paintings of the synagogue reflect the contest waged at that time by Jews and Christians, it seems to us most unlikely that the Jews should have been the first to introduce pictorial argumentation. We are rather inclined to believe that the Jews did only react in kind, refuting literary homiletic arguments by homiletic interpretations of their own and resorting to pictorial representations only after such method of persuasion was used by their opponents. In other words, it seems that it was the introduction of wall paintings with Biblical scenes in the Christian Church (the wall paintings of the Christian Church in Dura still preserve traces of the David-Goliath scene)⁴⁵ which prompted the Jewish community to apply to the Tiberian center for permission to oppose the Christian claims by their own pictorial instrument of persuasion. The central authority in Tiberias seems to have recognized the expediency of such reaction and "did not keep them from doing so."

IV

Register B

כתר כהונה

משה ואהרן בכהניו ושמואל בקראי שמו

Proceeding to the second zone, Register B, we are subjecting our triad theory to a new test; we shall see whether, and to what extent, our scheme will assist us in coping with the various problems with which we may be confronted in the investigation of this zone. And the difficulties are many.

One of the first puzzles we encounter, as we look at Register B, involves the two portait panels right in front of us, on both sides of the central area. Who are they, and what do they represent? Various identifications have been suggested. According to some

⁴⁵ Rostovtzeff, p. 132.



6. JACOB RECITING THE
EVENING PRAYER



7. SAMUEL, THE ARCHISYNAGOGUS,
READING THE SHEMA

scholars, they should be identified with Abraham, representing devotion, and Ezra reading the Torah (Du Mesnil); others think of Moses and Joshua (Suknik); still others see, in the two figures, a double feature of Moses (Goodenough).⁴⁶ But, as Kraeling rightly points out, none of these identifications is really convincing; they all are more or less mere guess work. Indeed,

⁴⁶ Kraeling, p. 43-44 (351-352); Du Mesnil, p. 53-55 (No. 11), Plate XXIV; 92-94 (No. 19), Pl. XXXVII-III.

if we isolate these two particular panels from the whole composition, the one guess is as good as the other.

Let us now investigate whether our suggested general framework, according to which Register B represents the "priesthood," may help us out of this uncertainty. It may be noted, at the outset, that the unity of thought in Register B has been generally recognized and the central theme designated as that of *cult and liturgy* (Kraeling and Du Mesnil)⁴⁷ which seems almost identical with our crown of the "priesthood." However, it was not realized that the purpose of the designer was not merely that of reproducing cult and liturgical scenes as such but, exactly as in Register A, mainly that of asserting and instilling in the mind of the worshippers the conviction of exclusive possession of the "priesthood" by the Jews, against the Christian claims of succession.

The Jewish position in this contest was much more exposed to assault than in the contest about the Torah. The destruction of the Temple in Jerusalem which brought about the cessation of the sacrificial ceremonial was stressed as tangible proof that the Jews were rejected and had forfeited the crown of priesthood. It was the most effective argument in early Christian polemics. The problem disturbed the Jewish mind from the moment of the discontinuance of the sacrificial "service." Already R. Joḥanan ben Zakkai indicated the direction of coping with it. Two actions were undertaken to fill the gap which ensued from the destruction of the Temple: 1) To find a temporary substitute for the daily sacrifices; 2) to strengthen, through ceremonies, the belief in the return of the crown of priesthood, i. e. in the restoration of the Temple. There were various views about the choice of the "service" to take the place of the suspended sacrifices. "Lovingkindness," proclaimed R. Joḥanan ben Zakkai. "Prayers" were another suggestion. Still another substitute was proposed consisting in the study of those portions of the Torah which deal with sacrifices (Leviticus). Mystically inspired circles sought consolation in the "heavenly sanctuary" where sup-

⁴⁷ Du Mesnil, p. 48: "On sait que le deuxième registre traite du . . . en un mot de la liturgie Juive."

posedly Elijah, or the angel Michael, was offering the daily sacrifices.⁴⁸

The prevailing view of the central authority, the academy in Tiberias in the middle of the third century, is best expressed in the following dictum of R. Johanan: "Whoever . . . washes his hands, puts on Tephilin, recites the "Shema," and "prays" is considered as if he had erected an altar and offered upon it a sacrifice." In other words, the "reading of Shema" and "prayers," the two essential ingredients of the public service, are proclaimed as the substitute for "burnt offering."⁴⁹

⁴⁸ The various opinions about the substitutes for the sacrifices are scattered in the rabbinic writings, and we can only refer to some of the most characteristic ones. Next to the prayers, with which we will deal in the following note, the best known substitute is the study of the section in the Bible dealing with sacrificial laws, in other words, the substitution of theory for practice. That opinion is reported in the name of R. Ammi (or Assi) in Taan. 27: אמר ר' יעקב בר' אחא אמר רב ר' אסי (מנילה לא, ב: ר' אמי) . . . כבר תקנתי לכם סדר . . . קרבנות בזמן שקוראין בהן לפני מעלה אני עליהן כאילו הקריבום לפני . . . וכי יש מנחה: in the name of Samuel and R. Huna, in Pesikta Rabbati, ed. Friedmann, p. 83b: בבבל? אלא אמר הקב"ה הואיל ואתם מתעסקים בהם כאילו אתם מקריבים קרבנות, ושמואל הואיל ואתם מתעסקים בו כאילו אתם בונים אותו . . . אמר ר' יצחק . . . כל העוסק בתורת חטאת כאילו הקריב חטאת Men. 110a: . . .

It is noteworthy that all these quoted authorities are Babylonians of the third century. It is another indication of the tendency of the Babylonian scholars of the time to retain the dignity of priesthood and to promote the study of the "priestly code." (see above, note 22).

In the Christian world of about the same time, we have similar utterances. In the *Didascalia* II:26:11: (Constitutiones Apostolorum, ed. Funk, Paderbornae, 1905, p. 102) we read: "Quae tunc erant sacrificia, modo sunt orationes, et preces et gratiarum actiones."

⁴⁹ Ber. 26b: ר"י בן לוי אמר תפלות כנגד תמידין תקנום: TP, *ibid.* III:1 p. 7b: רובנן אמרו תפלות כנגד תמידין נטרו. Generally the term תפלות is taken in its strict meaning of the 'Amidah, the eighteen blessings, without Shema'. This is also supported by the fact that an attempt is made to find a corresponding sacrificial function to all three prayers, while Shema' is recited only twice. Nevertheless there are indications to the effect that "Reading of Shema" was included in the substitution scheme. Cf., for instance, Ber. 15a: אמר רב חייא בר אבא אמר רבי יוחנן כל הנפנה ונטל ידיו ומניח תפילין וקורא שמע ומתפלל לאלהים. Another source speaks of the "Reading of Shema" alone as substitute for the sacrifices. Cf. Midrash Debarim Rabba, ed. Lieberman, p. 63: אמר ר' לוי צריך אדם להיות (בערב) והיה בק"ש שהיא שקולה כנגד כל הקרבנות, מה הקרבנות נוהגין בין בשחר ובין הערביים (בערב)?

Combining these considerations with our "priesthood" hypothesis, we conclude *a priori* that the two central portaits are, in all likelihood, the pictorial expression of the synagogal service, the substitute for the "sacrifices"; they symbolize the two essential elements of Jewish liturgy: "Reading of the Shema" and reciting the "prayer" proper, called '*Amidah*'. (Figs. 6 and 7.)

But who are the persons that the artist selected for this purpose and what are the means the artist used in order to convey to the members of the congregation his idea? Let us consider first the portrait to the left of the center. One of the characteristic features of this figure is the peculiar position of the hands; they are crossed, the right hand over the left, and covered with the garment, the *Talith*. Du Mesnil remarks that crossing the hands is a gesture of reverence in the orient,⁵⁰ and he is right, as we shall see later. However, Du Mesnil does not explain why the painter represented only Abraham — according to Du Mesnil's own identification — in this attitude of reverence and not Moses, for instance, nor does he explain why the hands are covered. The following passage from a mediaeval ethico-ritual tractate furnishes the best comment on this detail. We quote: "When a man wants to recite the prayer, he should stand up and put his hands under his garment, the right one over the left."⁵¹ The source of these rules is the Babylonian Talmud (Sab. 10a) where it is related as having been practiced by a Babylonian scholar of the fourth century.⁵² It could hardly have

אני ישנה... אני ישנה מן הקרבנות ולבי ער לקריאת שמע ותפלה. See editor's note 9. More explicit is Cant. R. V:2: קדוש, כקרבן עולה ירצה מנו קריית שמע. קדוש, בובחי: 190: Piyyute Yannai, p. 190: שלמים ירצה מנו עירך תפילה. From all this we may gather that the connection between the "Reading of Shema," as essential part of the *Tefillah* in the broad sense of the word, was present in the mind of the preachers.

⁵⁰ Du Mesnil, p. 53, and also note 1.

⁵¹ Jonah Ghirondi, *Sepher ha-Yirah* (together with *Shaare Teshuba*, ed. Venice, 1544, 41c): ובקומו להחפיל יכוין רגליו וזאצל וזו וישוח ראשו וידחק אציליו לנופו: נגד הנורתו, וישים ידיו תחת לבושו, הימנית על השמאלית. It is quoted anonymously by Isaac, Corbeille, *Sepher Mizvoth Katan*, XI, sect. *Tefillah*, note 6.

⁵² Sab. 10a: רבא שדי נלימיה ופכר ידיה ומצלי, אמר כעבדא קמיה; מריה ומניה ידיו על לבו: Maimonides, *Mishneh Torah*, sect. *Tefillah*, V:4:

foot of the figure (west) is placed, we discern clearly a dark stripe drawn toward the right side (east) and forming a very acute angle, almost a horizontal line. This dark stripe indicates in all likelihood the shadow of the left leg wherewith the artist probably intended to allude to the fact that Jacob became aware of the miracle of the early sunset when he saw the shadow of his leg stretching out to the horizon in an easterly direction.⁵⁶ This was the sign that the time of the evening prayer had come which he is reciting. Every detail seems to point in the direction of Jacob.

There is, however, one serious difficulty. The portrait shows an aged man with white hair and a white beard. This trait, as Du Mesnil points out, best fits Abraham, the first man to experience old age, according to Midrashic and Arabic tradition.⁵⁷ I confess that this argument in favor of Abraham impressed me deeply. I was about to give up my suggestion in favor of Du Mesnil's identification when I chanced to recall, in my mind, the iconic images of Jesus in Byzantine art. In this style Jesus, no matter under what circumstances, appears always in the same abstract, majestic form. What, I thought, if there existed in the popular imagination of the Jews of the third century an iconic image of Jacob in which he was represented as an aged man with white hair and white beard. This might account for the fact that the artist cared little for the real age of Jacob at the time of his dream but preferred to reproduce the current iconic image of Jacob.

Indeed, it was not difficult to discover that an iconic image of Jacob actually existed in the imagination of the popular preachers of the third century; "Jacob's icon is engraved in the

⁵⁶ As far as can be ascertained, it seems to be the only, very primitive attempt to reproduce the shadow in the Dura paintings. My friend, Dr. Franz Landsberger, informs me that there are other similar attempts of representing the shadow in paintings of this period.

⁵⁷ Du Mesnil, p. 54. It may be noted that, according to rabbinic chronology, Jacob was 77 years old when he started his journey. But this hardly explains the artist's stressing of the old age. According to the same chronology, Moses was 80 years old at the time of the Exodus and yet he is not represented as an old man.

throne of glory"⁵⁸ is a fairly familiar phrase among them. There are furthermore indications that this iconic image of Jacob was actually construed as that of an old, hoary man. Whenever, for instance, the popular preacher wanted to define the term "Israel" as *nomen proprium* for Jacob (and not *nomen collectivum* for the people), he would say: "Israel Saba" — the old, hoary Israel.⁵⁹

Thus the only serious obstacle to our conjecture has been removed, and consequently our identification of the figure with Jacob reciting the evening prayer remains the most plausible suggestion which fits best into the center of the second zone, representing the crown of the "priesthood."

We shall now pass to the figure on the opposite portrait panel, at the right of the central area. This panel shows a rather young man in a long white garment standing and reading from a scroll. We have already mentioned the suggested identifications of this figure: Moses or Ezra. Most scholars seem to agree that the person is reading the Torah. Mention should now be made of the ingenious suggestion of Mrs. Wischnitzer that the figure should be identified with the prophet Samuel who is reading the scroll containing the constitution of the kingdom (after 1 Sam. 10.25).⁶⁰ However, none of these views seem to explain and justify the central position of this portrait in Register B whose leading theme is the "crown of priesthood," i. e. the Temple, the sacrifices, and their substitute, the synagogal service. Reading from the Torah constitutes, at best, an accessory

⁵⁸ Gen. R. 68:18: עקב איקונין שלך חקוקה למעלה, *ibid.* 82:2: עקב איקונין של קבוע בכסא (cf. also Pseudo-Jonathan).

⁵⁹ Gen. R. 68:11: לולי ה' שהיה לנו יאמר נא ישראל, ישראל סבא ביבשה עבר ישראל, Cant. R. 4:4:4: ר' יודן בשם ר' יוחנן, בני מקומות מצאנו בחורה בנביאים בכתובים שלא עברו ישראל את הירדן אלא בזכות יעקב אבינו... ביבשה עבר ישראל, ישראל סבא. All of the authorities quoted are scholars of the third century. With regard to the last quotation, cf. above, note 9 and 17.

⁶⁰ Cf. Rachel Wischnitzer-Bernstein, The Samuel Cycle etc., in the *Proceedings of The American Academy for Jewish Research*, vol. XI, 1941, p. 100. The article contains a number of valuable observations and penetrating remarks. However, the author failed to realize the main purpose of Register B which obviously assigns to Samuel a different role from that which he plays in Register C.

part of the service, but not an essential one; the main purpose of reading is instruction and not devotion. The proper place for such a portrait would be Register A, representing the Torah theme.

We have already anticipated our suggestion, namely, that this portrait forms a counterpart of the opposite figure and symbolizes another essential part of the synagogal service, this time probably the morning service. As mentioned above, there are two constituent elements in the prayer, or better, in the public service: The "Reading of Shema" (קריאת שמע) and the "Tephillah," consisting of 18 or 19 blessings, called also *Amidah*. We have seen that, in order to convey the idea of the last element, the *Amidah*, the artist portrayed the characteristic posture of the officiant during the recital of the Tephillah. It is reasonable to assume that the second portrait represents the second element, the "Reading of Shema." But what are the means the designer devised to convey to the congregation his idea? Was there any characteristic posture of the "Shema" reader?

Earlier Talmudic literature knows the designation "*Pores et Shema*" (פורס את שמע) for the Shema reader. The meaning of the phrase has been controversial among modern scholars. Recently Dr. Finkelstein, in a brilliant study on the subject, endeavored to prove that "*Paras*" had also the meaning of "proclaim," and that *Pores et Shema* should therefore be translated: Proclaim the Shema. In my Saadiana review I pointed out that the Midrashic instances adduced by Dr. Finkelstein actually prove that the word *Paras* should be translated literally "to display," and *Pores diatagma* means to unfold a scroll containing an imperial edict, in order to read it publicly and to promulgate its contents. Consequently, I surmised that *Pores et Shema* might have had originally the same meaning, namely, to display the scroll of the Shema, so as to recite it at public worship (cp. Ez. 2.9-10: "and, lo, a roll of a book was therein; and he *spread-it* before me"). I also surmised that there must have been special scrolls containing the Shema and various others of the scriptural portions inserted in the synagogal service.⁶¹

⁶¹ Louis Finkelstein, The Meaning of The Word פורס, *JQR*, 1942, p. 387 f.; I. Sonne, Saadia-Literature, I, *JQR*, 1945, p. 434.

Should this our suggestion be correct, then the man standing and holding in his hands an unfolded scroll would represent the *Pores et Shema*, the man who performs the first essential act of the public synagogal service, while the portrait at the left represents Jacob as "*Ober lifne ha-Tebah*," performing the second act of the service.

However, the question of identification remains unsolved. We still grope in the darkness for the Biblical personality the artist used to convey his idea about the "reading of Shema." We might surmise Abraham who, according to Talmudic tradition, instituted the morning prayer and was the first to proclaim the unity of God, i. e. to recite the Shema. But there is hardly any trait in the figure and its bearing which would support such identification. Now it seems to me that the search for a Biblical personality is based altogether on an unwarranted generalization. Realizing that most of the scenes and figures of the paintings derive from Biblical stories, we assume that this portrait too must be connected with some Biblical personality, an entirely gratuitous assumption. Why could it not be the actual "*Pores et Shema*," the officiating minister of the synagogue? In fact, I am rather inclined to see in the figure under consideration the real portrait of the *archisynagogus*, Samuel, the priest, mentioned in the Aramaic inscription, who in all likelihood was given the honorary function of unfolding the scroll of the Shema and reading it on solemn occasions.

There is nothing strange in such a supposition. On the contrary, it may be corroborated by the general pattern of wall paintings in all of the other temples in Dura. Such paintings, as is well known, consist mostly of sacrificial scenes in which the priest performing the sacrifice is also, as a rule, portrayed.⁶² Since, according to our suggestion, the two portrait panels represent the synagogal service which is the substitute for the sacrifices, it is only natural that, following the general pattern mentioned above, the artist would insert the portrait of the officiating ministrant.

⁶² Rostovtzeff, p. 70, 75.



8. AARONIC PRIESTHOOD CONFIRMED AFTER
THE REBELLION OF KORAH (*right side*), AND
RED HEIFER (*left side*).

Finally, the supposition of a real portrait would account for the fact, observed by all the scholars, that the face of this figure appears unusually impressive and tense, especially in comparison with the stiffness and hieratic features of the abstract Biblical figures. Indeed, here we feel the breath of life and the touch of reality; it is the most sympathetic and *portrait-like* of all the figures painted by the artist.

Aaron Cycle. The significance of our theory will become more evident when we pass to the elucidation of the panels at the left of the Jacob portrait, as we identify it. There are two panels on the west wall, generally identified with 1) Aaron's installation in his priestly office (after Ex. 40 or Lev. 8-9); 2) Miriam's Well (after Num. 21 including the Midrashic amplification of the Biblical text). Immediately, in the west corner of the south wall, follows 3) a scene which is interpreted as representing the Ark of Covenant brought either to Zion (after II Sam. 12) or to the Solomonic Temple (after I Ki. 8). We must admit that, following this interpretation, it is hard to discern any constructive plan in the choice of the episodes and their arrangement. Moreover, the first panel of this group, the so-called "Aaronic Priesthood," although undoubtedly clear in its general concept, turns out to be the most complicated and chaotic, as soon as we try to deter-

mine the meaning of the various elements of which it is composed. In fact, if we judge the panel to be a representation of the investiture of Aaron and his sons as described in Ex. 40, we become entangled in a net of difficulties; no detail would correspond with the Biblical description.⁶³

The truth of the matter is that the scholars failed to grasp the real purpose of the whole zone, and were consequently unable to detect the sources of inspiration of this panel which constitutes the very core of Register B. As pointed out above, the designer's purpose was not simply to affirm the principle of priesthood, but rather, in the main, to emphasize the exclusive, inalienable right of Aaron, as part of Israel, to the "crown of the priesthood"; his main concern was the denial of the Christian claim to succession. Pursuing this aim, the designer could hardly find a more appropriate scene than that of Aaron's triumph over Korah, as described in Num. chap. 16-18.⁶⁴ Indeed, our panel, or rather the greater part of it, represents the scene in which absolute sovereignty in the realm of the sanctuary was bestowed upon Aaron — not by Moses at the time of Aaron's investiture but by God after the suppression of the Levitic rebellion under Korah. The basis for this panel is Num. 18: "And the Lord said unto Aaron: Thou and thy sons and thy father's house with thee shall bear the iniquity of *the sanctuary*; and thou and thy sons with thee shall bear the iniquity of *your priesthood*." The sanctuary

⁶³ Kraeling, p. 44-45 (352-353); Du Mesnil, p. 55-64 (No. 12), Plate XXV.

⁶⁴ Sifre, ed. Friedmann, p. 37a, Num., #117: כַּךְ בֵּא קֹרַח וְעֵרֵר עַל הַכֹּהֵנִית: כָּל מִי שֶׁרוּצָה יֵעָרֵר כִּנְדֹּךְ עַל הַכֹּהֵנִית. כָּאֵן אֵין כְּנֹדוֹ, אִמֵּר לוֹ הַמָּקוֹם, כָּל מִי שֶׁרוּצָה יֵעָרֵר עַל הַכֹּהֵנִית. כָּאֵן אֵין כָּוֹחַב . . . It is clear that Korah, in the homiletical imagination, was conceived as the prototype of any later illegal claimant to the priesthood. Still more interesting is the following Yelamedenu homily: מִהוּ לְהַצִּיל כְּתָבִי יִלְמְדוּ רַבֵּינוּ, מִהוּ לְהַצִּיל כְּתָבִי יִלְמְדוּ רַבֵּינוּ, כִּךְ שֶׁנֶּרְבֹּחֵינוּ כָּל כְּתָבִי קֹדֶשׁ מְצִילֵין אוֹתוֹן . . . אֲבָל סִפְרֵי מִינִין אֵין קֹדֶשׁ בְּשֶׁבֶת, כִּךְ שֶׁנֶּרְבֹּחֵינוּ כָּל כְּתָבִי קֹדֶשׁ מְצִילֵין אוֹתוֹן . . . מִי גֵרָם לְקַרֵּב לְאֹבֵד מִן הָעוֹלָם אֵינוֹ אֵלָּא שֶׁפִּירֵשׁ לְמִינֹת, וְחֹלֵק מְצִילֵין אוֹתוֹן . . . (Tanh. Num. 16:1 (Korah), ed. Buber, p. 94-95). Here we see Korah's contention against Moses and Aaron linked up, in the preacher's mind, with the books of the Christian sectarians, *Minim*, and Korah is characterized as deserter who went over to the camp of the Christian sectarians, *Minuth*. It may be noted that Ben-Sira, in his praise of Aaron (45, v. 18-22), also dwells on the Korah episode, and alludes to Num. 18.20.

and the priesthood are given in exclusive trust to Aaron and his descendants. The Levites are subdued; they were reduced "to join unto Aaron and serve" the Kohanim as "singers and porters" (Ezek. 2.3). Furthermore, Aaron and his descendants were now separated from the rest of Israel; as the text reads: "And the Lord said unto Aaron: Thou shalt have no inheritance in their land, neither shalt thou have any portion among them; *I am thy portion and thy inheritance* among the children of Israel" (Num. 18.20). Instead, they acquired special privileges, the right to certain *gifts* (*Matenot Kehunah*) among others, "the firstling of an ox, or the firstling of a sheep, or the firstling of a goat" (verse 17).

It is significant that, in connection with the phrase "I am thy portion and thy inheritance" the Sifre (ed. Friedmann, p. 40a) quotes the three "crowns" of the Torah, the priesthood, and the kingdom, deriving from our verse Aaron's incontestable right to the crown of the priesthood.⁶⁵ And it is exactly this that our designer had in mind. Consequently he shows us Aaron not in his sacerdotal function but rather in his role as sovereign (royal garments) taking possession of his "portion," the sanctuary. The two Levites with trumpets, on the right side, and the other two standing near an open door, on the left side, represent the subjection of the Levites, as "singers" and "porters," to the Aaronic dynasty. The animal on the right side, an ox and a calf, represent, in all likelihood, the "gift" of the "firstling of an ox" promised to Aaron.

The composition of the scene appears therefore simple and transparent, except for one detail in the lower left corner where we see a man on the point of slaughtering an animal outside the camp. Du Mesnil takes our painter to task for defying every rule laid down by the Scriptures in showing the sacrifice slaughtered

⁶⁵ Sifre, p. 40a, Num., #119: נמצאת אומר שלשה ד"א אני חלקך ונחלתך, נמצאת אומר שלשה כתר כהונה וכתר מלכות, כתר כהונה וכתר אהרן ונחלתו. כתר חורב וכתר כהונה וכתר מלכות. It may be noted that in the Sifre passage, we also read the interpretation of Jacob's dream as a vision of the Temple. The association of these two scenes, both representing the priesthood element — the one as dream-promise, the other as its realization —, seems to have been a familiar idea among the preachers of the time. From them it was communicated to our artist.

outside the camp. This difficulty will soon disappear if we keep in mind the artist's pattern which consists in giving a running illustration of certain sections of the Bible. Now it should not be difficult to realize that the scene at the lower left corner represents but the slaughtering of the "Red Heifer" (the animal is now dark brown), the rules and statutes of which follow immediately (Num. 19) the above mentioned section dealing with Aaron's rights and privileges (Num. 18). Thus the picture illustrates faithfully the following verse: "And ye shall give her (the Red Heifer) unto Eleazar the priest, and she shall be brought forth *without the camp*, and she shall be slain before him." The artist is in harmony with the text in letting the animal be slaughtered outside the camp (Fig. 8).

There still remains some irregularity in the picture, because it shows Eleazar with an axe aiming at the neck of the animal, while the old rabbinic tradition prescribes a knife and the cutting of the windpipe and the gullet. However, this too may find its explanation as soon as we endeavor to transcend the *Peshaṭ*, the literal meaning of the scene, and penetrate into the *Sod*, its symbolic meaning. As matter of fact, in the symbolic language of the third century, the Red Heifer, the *Parah Adumah*, signifies the prince of *Edom*, the Roman emperor who, in the final judgment, will be beheaded by the Messiah, or Elijah. Indeed, the Midrashic comment on the above mentioned verse: "And she shall be brought forth without the camp," reads: "This teaches us that he (Eleazar) will chase the prince of Edom outside his camp and will slaughter him . . . as is said: For the Lord has a sacrifice in Bozrah and a great slaughter in the land of Edom."⁶⁶ It was rather the beheading of *Edom* than that of the *Parah Adumah* which the designer had in mind. Since Edom, in the Jewish imagination of the third century, was considered as a usurper of the Messianic kingdom, his beheading was depicted in accordance with the way in which usurpers were executed in

⁶⁶ Pesikta Rabbati, ed. Friedmann, p. 65b, XIV: אשר לא עלה עליה עול, וזו אדום, ונתתם אותה אל אלעזר הכהן והוציא אותה אל מחוץ למחנה, שהוא עתיד לדרוח את שרה מכרך גדול — ממחיצתו —. ושחט אותה לפניו, כי זבח לה' בבצרה ושבח גדול בארץ אדום. See editor's notes, 109, 110.

the Roman Empire at that time.^{66a} We shall revert to this subject later.

It may be noted that, although authoritative Jewish tradition has accepted the doctrine of the Davidic descent of the Messiah, and has rejected the apocryphal view of his Aaronic origin (*Jubilees and Testament of the Twelve Patriarchs*), certain survivals of the latter view still lingered in Rabbinic tradition, especially in Babylonia.⁶⁷ Such a survival of an Aaronic Messiah is our Midrash which assigns the task of slaughtering the prince of Edom to Eleazar, the priest-Messiah. It is not surprising to find this undercurrent of thinking adopted by the designer when his attention was focused on the "crown of the priesthood."^{67a}

The next panel on the west wall to the left offers no difficulty of any kind; its identification, as well as its Biblical basis has been rightly recognized as an aggadic elaboration of the "Waters of Strife" and the "Song of the Well" (Num. 20, 21).⁶⁸ What the scholars, however, failed to realize is that the episode portrayed here follows in the Bible immediately upon the section dealing

^{66a} That the Jews were well acquainted with the beheading procedure of the Romans is clear from the Mishnah San. VII, 3: מצות ההרגים, היו מתירים את ראשו בסיף כדרך שהמלכות עושה.

⁶⁷ Cf. above, notes 22, 48 where it is shown that the Babylonians attributed more importance to the priestly dignity than the Palestinians.

^{67a} Our artist might have been induced also by the following consideration to include the scene of the Red Heifer into the Aaronic cycle. In the course of our investigation, it became manifest that the artist follows a certain pattern, according to which the Biblical heroes, such as Jacob, Moses, Samuel, although typifying primarily one special "crown," are nonetheless conceived of as participating also in the two other "crowns." The Aaronic panel therefore shows certain traits of "kingdom" as well as of "priesthood." the only crown we still miss to complete Aaron's picture, is that of the Torah. This is now supplemented by the episode of the Red Heifer which starts with the verse: "This is the statute of the Torah" (Num. 19.2), and is considered as Aaron's "Torah." This may appear artificial and far-fetched to us, but such connection appealed to the imagination of the popular preacher of the third century, and is explicitly stated in the following homily in Pesikta Rabbati, Friedmann, p. 63bs: ... שמענו במשה שנכתבה תורה לשמו. זאת חקת התורה, אבא לך באהרן לא שמענו, אלא מלמד שנתנה לו פרשה זו.

⁶⁸ Cf. Kraeling, p. 45-46 (353-354); Du Mesnil, p. 64-69 (No. 13), Pl. XXX.

with the Red Heifer which, as we have just shown, is represented in the contiguous panel to the right. It corroborates our thesis regarding the coherence of the various panels, their grouping in cycles, each cycle being, to a certain extent, a running illustration of a particular, more or less extended, portion of the Biblical narrative.

Aaron's Death. This leads us to the third and last panel mentioned above, namely, that in the west corner of the south wall. Only light traces of the lower part are still visible; we discern four men bearing long poles on their shoulders, such as are used to carry the Ark in the corresponding panel on the north wall. On the basis of these traces, the panel is generally interpreted as showing the Ark in transit from one place to another, and is identified either with the story of how David brought the Ark home to Mount Zion (after II Sam. 6.12 f.), or with the occasion of Solomon's transfer of the Ark from Mount Zion to the new Temple (after I Ki. 8).⁶⁹ Now the Ark motif forms the subject of the panels on the western half of the north wall and is continued on the northern half of the west wall. The scholars could not fail to regard it as rather strange that the artist should have resumed the same theme after interrupting it by two or three Aaronic panels. But since they did not think much of the arrangement of the panels, they could easily reconcile themselves to such inconsistency. We, on the other hand, who have labored to stress the planning and coherence of the arrangement, are much more disturbed by the irregularity in the sequence of the panels depicting the Ark.

We therefore venture a different interpretation of the panel on the south wall. Since we have established that in the preceding two panels the artist gives us a running illustration of certain episodes relating to Aaron as narrated in Num. chap. 18-20, and since the last eight verses of chap. 20, following almost immediately upon the episode of the "Waters of Strife" (Num. 20.1-13), describe the scene of Aaron's death (Num. 20.22-29), it seems to me reasonable to assume that the panel under consideration

⁶⁹ Kraeling, p. 46-47 (354-355); Du Mesnil, p. 69-70 (No. 14), Plate XXXI.

should rather be identified with this episode; the object carried by the four men would then be Aaron's coffin and not the Ark. That such a scene would be the natural close of the Aaronic cycle goes without saying. Moreover, it would also correspond perfectly with the close of the Jacob cycle in Register A which, as we have seen, portrays the story of Jacob's burial. In this the artist might have followed a certain pattern. The Moses cycle too seems, as we shall see later, to close with a scene of his last days.

However, one serious objection might be raised to our identification. The panel also shows traces of children with branches in their hand accompanying the four men with the poles. This led Kraeling and Du Mesnil to the conclusion that "the scene is clearly of a festive character," which would rule out a funeral procession. But, on the other hand, if the panel illustrates the procession on the occasion of the transfer of the Ark either to Mount Zion by David or to the Solomonic Temple, why should children form the procession? The one text reads: "So David and all the house of Israel brought up the ark of the Lord with shouting" (II Sam. 6.15). The other text reads: "And all the elders of Israel came, and the priests took up the ark" (I Ki. 6.15). None of them mentions the participation of children in the procession. We venture the following conjecture: Aaron's death, as narrated in the Bible, seems to have stirred the imagination of the popular preachers of the third century, and to have given birth to a great many legends. There is a special Midrash called *Petirat Aaron*.⁷⁰ According to one legend, the angels opened the cave in which Aaron had been buried and brought forth his coffin which flew through the heavens "while the angels marched in procession with praises before him." In the third century, the death of a great master was conceived as a triumph of the angels over the mortals. By this phrase, Bar Kappara announced the

⁷⁰ Jellinek, *Bet ha-Midrash*, vol. I, p. 91-95. As the editor rightly remarks (Introd. p. XIX), this Midrash combines the death of Aaron with the scene of the "Waters of Strife." Our artist seems to follow the same pattern.

Our version is taken from Yalkut on Num. 20.25, #764: מה עשה הקב"ה, רמו למלאכים . . . והוציאו ארנו של אהרן והיתה פורחת בשמים והמלאכים מקלסין לפניו . . . יבא שלום. Cf. also Yalkut, Num. 33.10, #787, and Pirke de R. Eliezer, chap. 17, at the beginning.

death of R. Judah, the Prince.⁷¹ If we bear in mind that the painters in Dura, according to Du Mesnil, conceived angels in the form of young men,⁷² the procession of children discernible in our panel might well represent the triumphal procession of the angels accompanying the coffin of Aaron.

The following Midrash may serve as comment on our panel: " 'Let the saints exalt in glory; let them sing for joy upon their beds (Ps. 149.15).' What glory is meant? The glory that the Holy One, blessed be He, bestows upon the *Zaddikim* when they depart from this world . . . three pairs of angels accompany the departed *Zaddik* . . ."⁷³ It may be noted that we still clearly discern two children placed in the middle between the bearers of the poles, also at least one child behind them and some traces of a child before them. Taking into account the artist's pedantic adherence to symmetry, it is safe to assume that, as in the middle, there are two children preceeding, as well as two following, the bearers. This would then correspond exactly with our Midrash which assigns three pairs of angels to accompany the departed *Zaddik*.

The Samuel Cycle. The two mutilated panels on the north wall,

עליונים מבקשין את רבי והחתונים מבקשין את רבי . . . פתח בר קפרא Ket. 104a: ואמר, אראלים ומצוקים אחזו בארון הקדש, נצחו אראלים את המצוקים ונשבה ארון הקדש.

Here we also have the identification of the dead body of the *Zaddik* with the "Holy Ark" which might have been present in the mind of the artist in depicting Aaron's funeral procession.

⁷² Du Mesnil, p. 29. The angels in Jacob's dream, he remarks, are without wings and, according to the pattern of the fourth and fifth century, appear as young messengers.

⁷³ Pesikta Rabbati, p. 5as, #1: כך פתח ר' תנחומא בר ר' אבא, יעלו חסידים בכבוד . . . ירננו על משכבותם, באיזה כבוד? בכבוד שהקב"ה עושה לצדיקים בשעת פטירתן מן העולם . . . אמר ר' חייא הגדול בשעה שהצדיק נפטר מן העולם שלש כיתות של מלאכים מטפלים בו (כתובות, שם: יוצאות לקראתו). It is noteworthy that this forms a part of a Hanukka homily, a festival commemorating the dedication of the altar. It shows how intimately these two motifs, the procession on the occasion of the dedication of the altar and the funeral procession of the *Zaddik*, were connected in the creative imagination of the preachers of this period.

It may be noted in passing that this special emphasis of veneration, almost of deification, of the deceased scholars, may be considered as a reflection of the deification of the deceased Roman emperors, widely spread in the third century.

like the well preserved ones on the northern half of the west wall, have been identified and thoroughly elucidated by the penetrating and keen observations of Du Mesnil.⁷⁴ Du Mesnil has shown convincingly that all of them form a continuous Samuel cycle illustrating episodes taken from the first seven chapters of I Samuel. We now venture one step further and suggest that the first still extant panel on the north wall, representing Hannah with her son on the way to the sanctuary of Shiloh (after I Sam. 1.24) does not constitute the beginning of the cycle. It is more probable that the Samuel cycle started with the scene of the pilgrimage of Elkanah and Hannah to Shiloh, in order "to worship and sacrifice unto the Lord" (ibid. v.3). We may also assume that this scene was combined with that of Hannah's first encounter with the high-priest Eli in the temple of the Lord where "she prayed unto the Lord . . . and she vowed a vow" to consecrate Samuel to the Lord "all the days of his life." The Samuel cycle seems to have occupied all the space left after the close of the Aaronic cycle in Register B and, so far as space is concerned, to have corresponded almost perfectly with the Jacob cycle in Register A.

This prominence given to Samuel is generally attributed to the fact that "Samuel, the priest" was the name of the head of the synagogue. It is quite possible that this influenced the choice of the subject. But we should never forget that the subject suggested by external coincidence could be adopted only if it also satisfied the designer's contrivance and was suited to express adequately the concept of which Register B was to be the embodiment.

Does the Samuel cycle satisfy these requirements? As pointed out above, Register B aims mainly to emphasize the following two points: a) As long as sacrifices must be discontinued, prayers are the adequate substitute; b) Aaron's inalienable right to the "crown of the priesthood" which implies the restoration of the Temple, the sacerdotal realm, and rebuts any outside claim of succession. It is now of great interest to note that actually these

⁷⁴ Du Mesnil, p. 70-72; Wischnitzer-Bernstein, *The Samuel Cycle* etc. quoted above, note 60.

the Christians to seize the "crown of the Torah" as well as the "crown of the priesthood."

The parallelism between Register A and Register B appears almost complete. Indeed, each register evolves its peculiar theme — Torah and priesthood respectively — in two cycles, of which the shorter one may be considered the text, while the larger one forms the homiletic comment.

V

Register C — כתר מלכות

מלחמה ליהוה בעמלק מדר דר:

מדרו של משה עד דורו של שמואל, מדרו של שמואל

עד דורו של מרדכי

Let us now descend to the third and last zone, Register C. Before we proceed to the elucidation of the individual panels and their arrangement, a few preliminary remarks about the direction in which the panels are to be read may prove of some help. As to the individual complex panels, in which a continuous narrative is illustrated by two or more groups put side by side, such as the Exodus, Moses' infancy etc., the question whether the groups are to be read from right to left or from left to right cannot be solved in a general, uniform way. Each of these panels ought to be carefully examined separately, and its direction determined by inner evidence. For it does not seem likely that the designer who outlined the general plan, according to instructions received from certain Jewish authorities, should have laid down any general rule for the direction of the particular panels. This, in all likelihood, was left entirely to the discretion of the painters to whom they were assigned, because in the conception of the designer each panel was considered as an element, almost an ideogram, in the complex idea of the zone. The inner direction of the complex panels as such was of no concern to him. Likewise, the question of the sequence of the various panels of which the zones are composed can hardly be solved by a general, all embracing principle; rather each zone should be considered as a unit,

and its direction dealt with separately. We may however well assume that the artist followed a certain, if not a uniform, design in distributing the various ideograms which he used to convey the main theme of each zone.

As for Register A, the direction seems almost transparent. The right part of the west wall which embodies the very essence of the Torah theme, and was called by us the Moses cycle, has to be read from right to left, from Exodus to Sinai. All the other panels of Register A, the Jacob cycle in our designation, have, as it seems, to be read from left to right, beginning with the north-west corner, turning to the east and then to the south wall, and finally concluding with the left side of the west wall.

This apparently strange switch in direction might have been adopted not without good reason. We should bear in mind that all the panels of the Jacob cycle depict episodes which preceded Moses, and therefore formed in the mind of the artist a kind of retrospection. The change of direction, in turning backwards, might have been an ingenious device of the artist to indicate this his retrospective procedure.

In the second zone in which the focal Aaronic panel portrays the earliest episode dealing with the priesthood theme of Register B, there was no reason for changing direction. Indeed, there seems to be agreement among scholars that the panels of this zone should be read from the right to the left all around, starting with the left side of the west wall, the Aaronic panel.

Uncertainty reigns with regard to the third zone. Du Mesnil is inclined to assume here too a change of direction, analogous to that in Register A. Except for the two panels on the right side of the west wall — the exposure of Moses and the anointing of David —, all the other panels, according to Du Mesnil, should be read from the left to the right, starting with the northwest corner, the Ezekiel panel.

The assumption of such a change in direction shows clearly that Du Mesnil failed to realize the close connection between the Mordecai scene and the two preceding panels to the right, a connection already indicated above, and which we are now going to analyze in more detail.

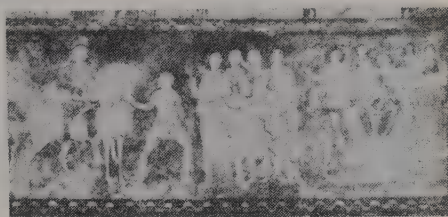


B

A

9. THREE SCENES REPRESENTING KINGDOM:

- A. Pharaoh and Moses,
- B. Samuel and David,
- C. Ahasverus and Mordecai



C

As pointed out above, the three panels on the west wall read from the right to the left, i. e. "Pharaoh and Moses," "Samuel and David," "Ahasverus and Mordecai" (these seem to be the most adequate titles of the three panels), embody the "kingdom" element of our triad. This element is represented under the form of a series of clashes between Israel's kingdom, identified with the kingdom of the Lord, and the other, the illegal kingdoms. In all of these clashes the former eventually triumphs. In the language of the Midrash, the three panels represent "the wars of the Lord with Amalek from generation to generation," interpreted "from the generation of *Moses* to the generation of *Samuel* and from the generation of *Samuel* to the generation of *Mordecai* and *Esther*" (Fig. 9).⁷⁸

Let us now consider each of these panels: *Pharaoh and Moses*.⁷⁹ Is the Pharaoh-Moses composition as representation of

⁷⁸ Cf. above, note 27.

⁷⁹ For an exact description, cf. Kraeling, p. 51-52 (359-360); Du Mesnil, p. 120-125 (No. 29), Plate LIII.

the "kingdom" theme an invention of the artist? This seems rather strange. There appears to be very little of Israel's "kingdom" in this scene. Certainly one would expect the artist to select the scene in which Moses appears before Pharaoh with God's command: "let my people go," as the most appropriate to convey the idea of the final triumph of the Lord's kingdom. The truth of the matter is that the artist follows here a Midrashic tradition, according to which the very promise of Israel's "kingdom" is to be found in our episode. We follow Du Mesnil and Kraeling in reading the panel from the right to the left, and the first group we meet are Pharaoh with his assistants faced by the two midwives. In the narrative (Ex. 1) Pharaoh speaks twice to the midwives: a) he gives them instructions to kill the newborn males (v. 15); b) he reproaches them for not having executed his orders (v. 18). Now, from the posture of the midwives, we may conclude that they are arguing with Pharaoh and not merely receiving his orders. It is therefore the second encounter that the artist portrays. The text alluded to in this part of the scene reads: "And the king of Egypt called for the midwives and said unto them: 'Why have ye done this thing, and have saved the men-children alive? And the midwives said unto Pharaoh: Because the Hebrew women are not as the Egyptian women; for they are lively, and are delivered ere midwives come unto them.' And God dealt well with the midwives; and the people multiplied, and waxed very mighty. And it came to pass, because the midwives feared God, that *He made them houses* (Ex. 1.18-21). It is precisely the last sentence that the artist had in mind. Indeed, the third century scholars and preachers commented: What kind of houses did God build for the midwives? "Houses (dynasties) of kingdom" — reads the answer.⁸⁰ In other words, God granted to the midwives who, according to rabbinic tradition, were Jochebed and Miriam, the right to the "crown" of the "kingdom."

⁸⁰ Sot. 11a: רב ושמואל, חד אמר בתי כהונה ולויה, וחד אמר בתי מלכות. There is no real controversy. Both kingdom and priesthood, were considered as privileges granted to the midwives for their virtuous conduct. Only the one, probably Samuel, himself a priest, stressed priesthood. Rab, on the other side, stressed kingdom. Pseudo Jonathan has both: ובנא להון ומיטרא דה' בית מלכותא ובית כהונתא רבתא.



10. PHARAOH AND THE MIDWIVES

The text quoted above, taken in its homiletic sense, may also help us in the identification of the obscure figure in our group. There is, beside the two midwives, a kneeling woman. None of the suggestions made thus far, either a third midwife or Jochebed, are satisfactory.⁸¹ Following our suggestion that the midwives are arguing with Pharaoh, one may expect an allusion to their argument as expressed in verse 19, namely that the Hebrew women are delivered without the assistance of midwives. Now, Pseudo Jonathan renders v. 19 as follows: "And the midwives said to Pharaoh, 'the Jehudite women are not as the Mizraite, for they are sturdy and wise-minded: before the midwife cometh to them they lift up their eyes in prayer, supplicating mercy before their father who is in Heaven, who heareth the voice of their prayer . . . and are delivered in peace.'"⁸² I therefore sur-

⁸¹ Kraeling, p. 52, note 50; Du Mesnil, p. 123-4.

⁸² Pseudo-Jonathan, ed. Ginsburger, p. 99, Ex. 1.19: קדם עד לא תיחי לוותהון מצלן ובען רחמין מן קדם אבוהון דבשמיא והוא שמע בקל צלוהן חייחא הינין תליין עיניהן בצלו, ומן יד הינין מתענין וילידן (השחחוייה). It may be noted that private petitionary prayer is often designated by the term of "prostration".

mise that the kneeling woman illustrated the way the Hebrew women are delivered. They do not call the midwives to assist them, but prostrate themselves in supplications, and "lift up their eyes in prayers to the Father in heaven, and are delivered in peace" (Fig. 10).

From all this we may rightly conclude that our scene represents the second encounter of Pharaoh and the midwives. Here-with we remove the objection of repetition raised against our suggestion that the so called "Solomon panel" in Register A might represent Pharaoh and the midwives (cf. above, 283). There is no repetition; for in Register A the first meeting of Pharaoh and the midwives is illustrated. Indeed, there they appear in the king's palace in official long dress to receive instructions and orders from the king; here, on the other hand, they appear outside the palace and in ordinary dress to be reproached by the king.

Samuel and David. Needless to say that, according to our scheme, this scene, showing the anointment of David as king, constitutes the very core of Register C. For the same source which, in connection with the three crowns, stresses Aaron as the only legal possessor of the crown of the priesthood, also stresses the dynasty of David as the only legal heir of the crown of "kingdom." The figure of David, from a certain point of view, may be considered as the central figure of Register C, comparable to the figure of Aaron in B and that of Moses in A. Du Mesnil's contention that the proper place of this panel is the second zone, seems to us untenable.⁸³

The panel is simple and clear, except for the peculiar posture of David and his dress. As matter of fact, in contrast to his six brethren each of whom has one hand raised and who wear white dresses, David is depicted with his hands folded, the right over the left, under his cloak which is somewhat dark. It has been rightly pointed out that the same posture appears in the figure of the left (Jacob) portrait in Register B, and that it is a gesture

⁸³ This point is also stressed by Wischnitzer-Bernstein, *The Samuel Cycle*, quoted in note 60.



II. SAMUEL ANOINTING DAVID

of reverence.⁸⁴ But it must be a trait that the designer has found alluded to in the text. In fact, the characteristic of David in our text (1 Sam. 16.11) reads: "There remaineth yet the *little* (*ha-Kaṭan* — the youngest), and behold he keepeth the sheep." The same attribute is to be found in 17.14: "And David was the *little* (*ha-Kaṭan*)." We might have expected the painter to represent David as smaller than his brethren. Actually, however, he appears in the panel somewhat taller than the others. The artist apparently follows the Midrashic interpretation of "little," i. e. that he considered himself little, or that he humbled himself before Samuel, the tallest figure in the panel. On account of his humility, according to the Midrashic conception, David was preferred to his brethren. It is precisely David's humility, "David the little," that our artist contrived to express by the folded

⁸⁴ Kraeling, p. 44, note 32; Du Mesnil, p. 126.

hands which, as we have seen, was the attitude of "the servant towards his master."

Incidentally, it may be noted that the interpretation of "little" in the sense of "humble," with regard to our passage, is found in the Talmud in connection with a homiletical exordium to the Book of Esther the story of which forms the subject of the next panel to the left. Moreover, this interpretation is used there by the preacher to draw a comparison between David and Moses. The connotation "David the little" became in the mind of the preachers, whom our artist generally follows, a link between Moses and David on the one side, and between David and Mordecai on the other side.⁸⁵

It would be futile to pretend that we may be able to lay bare the inner texture of the artist's imagination, and to point out the various combinations which might have linked together the heroes he chose as representative of the "kingdom" idea. However, we may assume that certain links, which we happen to meet in the contemporary rabbinic literature, were co-determining factors in the choice and arrangement of the figures in our panels. Considering the relations between three heroes of our two panels, viz. Moses, Samuel, and David, as reflected in the homilies of the third century, we realize that there was a tendency to stress the affinity and congruity between Moses on the one side and Samuel and David on the other side. That Samuel, the second great prophet in Jewish tradition, should be closely linked up with Moses, the "father of the prophets," appears obvious. Thus, we are not surprised to read, with reference to Jer. 15.1, the following statement: "You find that what is written of the one (Moses) is also written of the other (Samuel), viz. the one was a Levite, and so was the other; the one built altars and so did the other; the one *was king* (reigned) *over Israel and*

⁸⁵ Meg. 11a: — וידר הוא הקטן, הוא בקטנותו מחללו ועד סופו. כשם שבקטנותו וידר הוא הקטן, הוא בקטנותו גדול ממנו בתורה, כך במלכותו הקטן עצמו אצל מי שהוא גדול ממנו בחכמה. This interpretation is inserted in a homiletic commentary on the Book of Esther compiled in the Babylonian schools of Rab and Samuel in the middle of the third century. Cf. Sifre, ed. Friedmann, p. 140, Deut., #334. See also Du Mesnil, 126, note 1.

Judah and so was the other; the one offered sacrifices and so did the other etc."⁸⁶

The preachers of the third century also found out that the same pattern of comparison could be used to establish a parallelism between Moses, the prophet *par excellence*, and David, the king *par excellence*. Indeed, with reference to II Sam. 7.19, we read: "You find that everything Moses did was also done by David, viz. Moses brought forth Israel from Egypt, David brought them forth from the bondage of the *kingdoms*; Moses waged war against... David waged war against... Moses divided the sea, and David divided the rivers; Moses reigned over Judah and Israel, and so did David; the one offered sacrifices, and so did the other; Moses built an altar, and so did David; Moses gave Israel the five books of the Torah, and David gave Israel five books of Psalms."⁸⁷ It is clear that we have here a common pattern in which Samuel and David are looked upon as successors, almost reincarnations, of Moses. Like Moses they too embody the entire triad; Torah-priesthood-kingdom; yet, in Samuel the priestly traits — Levite, altar, sacrifice — are most prominent in the comparison, while in David the "kingly" connotations — freeing the people, waging war, reigning, etc. — are predominant. This lends new meaning to the sequence of the first two panels in our register C. Moses, the "prophet *par excellence*" who is also the prototype of "kingdom," is followed

⁸⁶ Midrash Sam., ed. Buber, p. 74, IX:5; לפני, א. יעמד משה ושמאל לפני, א. מוצא מה שכתוב בזה כתוב בזה, 1. זה לוי וזה לוי, 2. זה בנה מזבחות וזה בנה מזבחות, 3. זה מלך על ישראל ויהודה וזה מלך על ישראל ויהודה, 4. זה הקריב וזה הקריב, 5. זה בנה מזבחות וזה בנה מזבחות, 6. בקריאה וזה בקריאה. See editor's note. Out of the six parallels, three (1, 2, 4) are taken from the realm of priesthood, two (5, 6) from that of prophecy (Torah), and one (3) is of "kingly" nature.

⁸⁷ Midrash Tehilim I:2; ופי הוא, המשובח שבנביאים, המשובח שבמלכים זה משה... המשובח שבנביאים זה משה... המשובח שבמלכים זה דוד, את מוצא כל מה שעשה משה עשה דוד: 1. משה הוציא את ישראל ממצרים ודוד הוציא את ישראל משעבוד גליות; 2. משה עשה מלחמה במיחון ועוג ודוד עשה מלחמה כל סביביו... 3. משה מלך על ישראל ועל יהודה... ודוד מלך על ישראל ועל יהודה; 4. משה קרע לישראל את היסוד ודוד קרע לישראל את הנהרות... 5. משה בנה מזבחות ודוד בנה מזבחות. 6. זה הקריב וזה הקריב; 7. משה נתן חמשה חומשי תורה לישראל ודוד נתן חמשה ספרים שבתהלים. משה בירך לישראל באשריך ודוד בירך את ישראל באשריך. Out of the seven parallels, four (1-4) are related to "kingdom," two (5, 6) to priesthood, one (7) to Torah.

by the "king par excellence" in company with Samuel, both of them reincarnations of Moses.

The presence of Samuel and David, representing equally "priesthood" and "kingdom" in the central panel of our group, is of special significance; it shows that in the mind of the designer the two concepts were closely connected with each other. We may consider this union of priesthood and kingdom as a reflection of the new concept of authority of the Roman emperor. The old concept, according to which the Roman emperor, as the supreme magistrate of the Romans, derived his authority from the Roman senate and the Roman people (*senatus populusque Romanus*), gave way, in the third century, to a more primitive concept in which the emperor's authority was based upon the deification of his person. Hence the fostering of the imperial cult as the adequate expression of loyalty to the emperor's authority. One can easily understand why at that time the concept of Israel's "kingdom," moulded after that of the Roman empire, became connected with the concept of "priesthood."

The Ahasverus-Mordecai Panel. There is no need to dwell on the connection between this and the preceding Samuel-David panel. According to rabbinic tradition mentioned above, Haman, "the Agagite," was a descendant of Agag spared by Saul, and the Esther story is, therefore, nothing other than the continuation of Israel's struggle with Agag (Amalek) which constitutes the background of the Samuel-David picture. Thus, already in the Tannaitic period (second or first century) I Sam. chap. 15-16, containing the Agag episode, was assigned as Prophetic reading (*Haftarah*) for the special "Remembrance Sabbath" (*Shabbat Zakor*) preceding the Purim festival. The theme Amalek-Agag-Haman became a favorite one among the preachers of the third century, as is evident from the numerous sermons for the "Remembrance Sabbath" which originated in the circle of R. Johanan in Tiberias, and in that of Rab and Samuel in Babylonia. It is therefore clear that, in the perspective of the homiletic world of the third century, the Ahasverus-Mordecai scene forms the most appropriate sequence of, or better, supplement to, the Samuel-David panel.

Less known are the links which connect our panel with the

first of the cycle, namely, the Pharaoh-Moses picture. Yet the parallelism between Mordecai and Moses on the one hand, and between Haman and Pharaoh on the other hand, seems to have been a familiar feature in the homiletical imagination of the time. Indeed, R. Levi, one of the greatest preachers belonging to R. Joḥanan's circle in Tiberias, stresses this comparison as follows: "The importance of Mordecai is equal to that of Moses"; "like Moses, Mordecai saw a new world," i. e. has undergone an inner crisis. Furthermore, "like Moses, Mordecai was destined to be Israel's redeemer," the forerunner of the final "redeemer," the Messiah.⁸⁸

We pointed out above that, following his tendency for symmetry, the artist grouped the figures of our panel parallel to the grouping of the Moses panel. It now turns out that the symmetry is by no means limited to the artistic pattern, the grouping of the figures, but manifests itself also in the ideational content; there runs a symmetrical current of ideas between the two opposite scenes of our cycle. This may help us to explain the shift from right to left in the inner direction of our panel.

Before discussing the inner direction of the two groups constituting our panel, we shall try to clarify the meaning of the group at the right side. It shows Ahasverus seated on a throne, with queen Esther seated on another throne at his right. From the left a courtier approaches the king's throne holding a rolled document in his outstretched right hand. The king's right hand is extended toward this document. The posture of the courtier as well as that of the king clearly indicates that the latter is about to receive the rolled object. However, since the scholars were unable to find such a situation in the Esther narrative, they were compelled to interpret the king's gesture in a sense that he has just handed over the object (letters) to the courtier — an interpretation which has all the earmarks of expediency.⁸⁹

⁸⁸ Esther R., IV:2 מלמד שהיה מרדכי שקול בדורו כמשה בדורו; א"ש יהודי, א"ש, מלמד שהיה מרדכי שקול בדורו כמשה בדורו; Gen. R., 30:8 מרדכי היה מחוקן לנואל, משה היה מחוקן לנואל (see references).

⁸⁹ Du Mesnil, p. 54. According to Du Mesnil, the scene alludes to Esther, 8:5: . . . "let it be written to reverse (make return) the letters devised by Haman." The roll would then symbolize the returned letters.

It seems to me that Kraeling has intuitively grasped the right situation and has indicated the proper text to which the artist refers. But he failed to realize that the artist, as usual, did not follow the literal but the homiletical interpretation of the text. The text, indicated by Kraeling, reads: "But when she (Esther) came before the king, he commanded by letters (*im ha-Sepher*) that his (Haman's) wicked device . . . should be returned upon his own head." Taking the verse in its literal sense, Kraeling was compelled to consider the roll in the courtier's hand as the king's "letters," just handed over to the former. However, in the rabbinic world of the third century, *ha-Sepher*, in our passage, was interpreted "the Scroll of Esther" (*Megillat Esther*). Obviously, no other rolled object could be represented in an Esther scene of the third century. According to this interpretation of *Sepher*, the situation had to be reconstructed in the following way: Esther and Mordecai composed the Book of Esther in the form of a memorandum to be handed over to the king by a courtier, whereupon Esther urged Ahasverus to confirm the content of the "scroll" (*Megillah*), and to impart oral orders accordingly. Such interpretation is indeed related in the name of R. Johanan, whose interpretations and sayings we found often reflected in our paintings.⁹⁰ Thus, the meaning of our scene becomes transparent. The artist shows us the courtier presenting the "Scroll of Esther" to Ahasverus. Esther at his right side might already have asked him to impart the respective orders, or is waiting with her petition until the king will have finished the reading of the *Megillah*.

The designer, in addition, had a special reason to allude to the identification of *Sepher* with the Scroll of Esther. As we pointed out at the outset, one of the guiding principles in the arrangement of the paintings in general and of our cycle in particular was the unity of Torah-Nebiim-Ketubim, i. e. that whatever is written in the Hagiographa is already alluded to in the Pentateuch. Consequently, it was necessary to find an allusion to the Esther book in the Torah. Such allusion the Tiberian

⁹⁰ Meg. 16b: ובבאה לפני המלך אמר עם הספר, אמר? אמרה מיבעי ליה, אמר ר' יוחנן. (Cf. commentaries).

circle of the third century finds in the following verse: "Write this for a memorial in the book (*Basefer*)" (Ex. 17.14), which was interpreted as follows: "Write this" refers to the Amalek passage in the Pentateuch (Ex. 1. c.; Deut. 25.17 f.); "for a memorial" refers to the *Agag* episodes in the Prophets (I Sam. 15-16); "*in a book*" (*ba-Sepher*) refers to the "Scroll of Esther."⁹¹

Turning now to the question of the inner direction of our panel, we again find ourselves in full agreement with Kraeling, viz. that the direction is from the left to the right, because the right scene represents a later episode in the narrative. At first sight, this may appear strange, since the Pharaoh-Moses panel is read from right to left. In reality however this change of direction is here fully justified. It might have been purposely adopted by the artist in order to indicate that our panel constitutes the closing link of a cycle which consists of the central David-Samuel panel, expressing the essence of the "kingdom" theme, and two other panels from both sides, each of them turned toward the center. This is entirely in line with the symmetrical frame of our artist.

One final remark before leaving this cycle. It is noteworthy that although ideationally, as we have just seen, the direction of our three panels is concentric, so that we may focus our attention on the central figure of David, from the point of view of pictorial expression and display, an ascending line of progression seems to have been followed by our artist. As matter of fact, the first Pharaoh-Moses panel contains only a very subtle allusion to the "houses of kingdom," without any visible manifestation of Israel's kingdom; the only sign of kingdom being Pharaoh's throne. The second panel, containing the anointment of David, is much more articulate in the expression of the kingdom theme. But even here it is rather the "priestly" aspect of kingdom, the consecration, than its regal splendor, that we witness. Indeed, David in his purple appears rather as a humble shepherd than

⁹¹ Cf. Meg. 7a: שלח להם אסתר לחכמים כתבוי לדרות. . . . שלחו לה הלא כתבתי לך שלשים, שלשים ולא רבעים, עד שמצאו לו מקרא כתוב בתורה: כתוב זאת זכרון בספר, כתב זאת — מה שכתוב כאן ובמשנה תורה — זכרון, מה שכתוב בנביאים, בספר מה שכתוב במגילת — This is in line with the tendency, prevailing especially among those who belonged to R. Johanan's circle, of stressing the triad of Torah-Nebiim-Ketubim (see above note 9).

an illustrious king and is overshadowed by the overtowering figure of Samuel. Only the last panel of the cycle is permeated with the splendor and majesty of kingdom. All three principal figures, Ahasvérus, Mordecai, and Esther, appear in resplendent royal attire, and, as if this would not suffice to convey adequately all the lustre of kingdom, the artist introduced also Solomon's throne and another throne for queen Esther.

VI

מלחמה ליהוה בעמלק מדר דר:
מדור של מרדכי ואסתר עד דורו של משיח שהוא
של שלשה דורות

Eschatological Cycle. We have seen that, in Register A and Register B, the artist supplements the principal cycle of each zone — Moses cycle and Aaron cycle respectively — with a lengthier, secondary cycle — Jacob cycle and Samuel cycle respectively. It is therefore safe to assume that he follows the same pattern in Register C, i. e. that here too he supplements the main kingdom cycle, just described and elucidated, with a second cycle which, in all likelihood, consists of all the remaining paintings of our zone. One might be tempted to call the first the "David cycle," and the second the "Elijah cycle." Such designation, however, would hardly convey the point of distinction between the two cycles, and may even lead to certain misunderstandings. We therefore prefer to term our main cycle in Register C the "historical cycle," because it represents the "kingdom" theme in its historical realization, and the supplementary cycle the "eschatological cycle," because, as we shall see, it unfolds the "kingdom" theme in its final, eschatological realization.

Unlike the "historical cycle" which could easily be substantiated, because, notwithstanding some uncertain details, its components are on the whole well preserved, and their meaning quite clear, the "eschatological cycle" is in the main a combination of conjectures only partially validated. Indeed, most of its constituents are almost entirely obliterated, and even one of the best preserved elements, the Ezekiel panel, is still

enigmatic. Our attempt at reconstruction relies of necessity upon the postulate of an organic structure of the paintings which alone may enable us to reconstruct the whole cycle out of a few fragments.

As our guide we take the Midrashic explanation of the verse: "The Lord will have war with Amalek from generation to generation," mentioned above. Thus far the historical cycle led us from "Moses" to "Samuel," and from "Samuel" to "Mordecai and Esther." Following the steps of our Midrash, we now are transferred" from the generation of Mordecai and Esther *to the generation of the Messiah*." The implication is that the remainder of the paintings in our zone will have, in one way or another, to describe the Lord's war with Amalek (Edom) in its final stage, in the Messianic era.

In view of the fact that the triad motif, as has been shown above, greatly influenced our artist, it is reasonable to assume that he, like our Midrash, conceived "the generation of the Messiah" as really consisting of "three generations," all the more so as this conception seems to have been the current opinion of the third century.⁹² The meaning of the "three Messianic generations" is, in the apocalyptic literature of the time, somewhat vague, but certain moments appear quite clear. There is the appearance of Elijah, the announcer of the Messianic advent, followed by the appearance of the Messiah, "the Son of Joseph," his wars and initial victories, and his death. This in turn is followed by the appearance of the Messiah, "the son of David," avenging the death of his predecessor and overthrowing the prince of Edom (Armilus-Rome). These two stages are sometimes referred to as "the day of Gog and the suffering preceding the advent of the Messiah."⁹³ Finally, there is the "day of the great

⁹² San. 99a: רבי אומר [ימות המשיח] שלשה דורות, שנ' ולפני ירח דור דורים. This seems to have been the current eschatological picture of the third century, especially in circles close to R. Johanan. It is reproduced in the Mekilta, ed. Lauterbach, II, p. 161. The Mekilta, as the editor rightly remarks (Intro. p. XXVI), often echoes the views of the school of R. Johanan. A variation of the same saying is Sifre, Deut., ed. Friedmann, p. 134a, #310: בינו שנות דור ודור, זה דורו של משיח שיש בו שלשה דורות.

⁹³ The three stages of the Messianic drama are mentioned in the Mekilta, ed. Lauterbach, II, p. 123: אמר להם הקב"ה אם תשמרו שבת זו תנצלו ר' אלעזר אמר, אמר להם הקב"ה אם תשמרו שבת זו תנצלו

judgment and the resurrection of the dead." To be sure, there is no definite vision about the sequence of all these eschatological events. In some sources the Messiah, the son of Joseph, precedes Elijah who appears together with the Messiah, the son of David, to avenge the death of his predecessor. Also the resurrection act precedes, according to some sources, the advent of the Messiah ben David.⁹⁴ But on the whole there was common agreement about three heroes of the Messianic drama (Elijah, Messiah ben Joseph, and Messiah ben David), and about three acts, three sets of events, in which such drama will evolve. Our artist had, therefore, the possibility of representing the "Messianic generations" either by means of the three persons who play an essential role in the three acts of the Messianic drama, or by means of three episodes of the drama. In the first case we may expect to see the three protagonists of the "generation of the Messiah," Elijah, Messiah ben Joseph, and Messiah ben David, put in especial relief. In the second case, we may expect scenes portraying, or symbolizing, characteristic events of the various stages of the Messianic age. Our artist, however, preferred to combine the two methods, putting in the foreground sometimes the hero, at other times, the event.

Let us now survey the panels which follow the historical cycle. Read from right to left, we first meet the Elijah cycle, consisting of the following three or four scenes: 1) Elijah restoring life to the son of the widow of Zerephath (after Ki. 17); 2) Elijah's sacrifice on Mount Carmel (after I Ki. 18). The vain attempt of sacrifice by the prophets of Baal (after I Ki. *ibid.*). There is, in addition, an incomplete panel, generally identified with Elijah and the widow's cruse (after I Ki. 17.10 f.). Turning to the east wall, we find vague traces of two panels which will be described and discussed later. Finally, we reach the last

מן שלש פורעניות: מחבלו של משיח, ומימו של גוג, ומיום דין הגדול. This should reflect the current concept of the third century. The same order is to be found in TP. Meg. II:1 (73a): לחבלו — לימות המשיח — לימות גוג ומגוג, אלי אתה ואורך — לעתיד של משיח, אסרו חג בעבותים — לימות גוג ומגוג, אלי אתה ואורך — לעתיד לבוא (— יום הדין הגדול).

⁹⁴ Cf. Strack-Billerbeck, *Kommentar zum Neuen Testament*, II, 292–299, and the "Exkurs" on Elijah.

panel which covers the entire north wall — the famous Ezekiel panel.⁹⁵

Obviously the Elijah cycle fits perfectly into our scheme. Elijah as the forerunner of the Messiah, is the most adequate start for an eschatological cycle. The true significance of the Elijah figure in our eschatological cycle emerges when we keep in mind the general trend of the third century mentioned above, i. e. to base the authority of the Roman emperor upon his alleged divine origin, or upon his "priestly" aspect. As pointed out, this trend of close connection between "priesthood" and "kingdom" finds its expression in the central panel of the historical cycle in which the kingdom idea is embodied in two persons, namely, in Samuel and David, representing "priesthood" and "kingdom" united in an indissoluble bond. We therefore should not be surprised to find the same double-feature of "kingdom-priesthood" projected in the final Messianic kingdom. Indeed, certain rabbinic sources, which seem to go back to the third century, stress the role of priesthood in the final restoration of Israel in the following manner: "You will be redeemed by the *Messiah*, the king, and *Elijah*, the high-priest."⁹⁶ One can easily see that, in the Messianic conception of these circles, Elijah is by no means a secondary figure, the forerunner of the Messiah only, but his close companion whom he, representing priesthood, sometimes overshadows. Thus Elijah, in the eschatological cycle, plays the same role Samuel does in the central panel of the historical cycle; there too Samuel overshadows David.

⁹⁵ Kraeling, p. 54-57 (362-365); Du Mesnil, p. 108-115 (Nos. 24-27), Plates: XLVI-XLXIX.

⁹⁶ Midrash Tehilim, chap. 43, I, ed. Buber, p. 134a: ולא שלחת הנאולה לדור, וזהו אלף ע"י שנים נואלים, שני שלח משה עבדו אהרן אשר בחר בו (תהלי' קה, 26), וגם לדור הזה שלח שנים כנגדן, שלח אורח ואמתך, אורח, זה אליהו הנביא מבית אהרן, דכתיב ביה אל מול פני המנורה יאירו, ואמתך, זה משיח בן דוד . . .

Priesthood is here symbolized by the Menorah which occupies a conspicuous place in the Aaronic panel, and represents priesthood in the paintings of the niche.

The same parallelism of Moses and Aaron with the Messiah and Elijah in Cat. R. II:13:4: ד"א ענה דודי, ע"י אליהו, . . . ע"י אהרן . . . ענה דודי, ע"י משה, אמר לי, ע"י אהרן . . . ע"י מלך המשיח והתפרקו ע"י מלכא משיחא ואליה. Cf. Targum Lam. IV:21: כהנא רבא (Krauss S., Monumenta Talmudica, V, No. 95, notes and references). Cf. also M. Friedmann, *Seder Eliahu Rabba*, 1902, Introduction, p. 26-27, 141.

Moreover, this is not the only, and not even the most significant link which connects the Elijah episode with the preceding panels. Indeed, there is a much closer connection running through the two cycles and joining the Elijah scenes, the first constituent of the eschatological cycle, with the Pharaoh-Moses panel, the first element in the historical cycle. As was pointed out above, our artist seems to follow the current prevailing among the preachers of the third century, namely, to look upon the great prophets and heroes of the Bible as mere reincarnations of Moses. This concept, in the last analysis, is only another expression of the principle adopted by our artist and formulated by R. Johanan that there is nothing in the Prophets and the Hagiographa which is not to be found in the Pentateuch. We need only to transfer this relationship from the prophetic and hagiographical writings to their authors, and we obtain the conclusion that the prophets and inspired heroes of the Bible are but reincarnations of Moses, reechoing his teachings.

This tendency of Moses' hegemony aimed, as indicated above, to counteract Christian-Gnostic trends trying to undermine the authority of the Mosaic Law either by an alleged antagonistic prophetic spirit or by a higher authority, such as Jesus, the Messiah. It is only natural that the Jewish central authorities of the time should have contrived to subordinate the authority of the Messiah to that of Moses and also to consider the Messiah only as the last reincarnation of Moses. In fact, the great preacher of the third century, R. Levi, coined the phrase: "The last redeemer (the Messiah) will be like the first redeemer (Moses)."⁹⁷ In as much as Elijah appears in our register as the representative of the "last redeemer," we should apply to him R. Levi's equation, i. e. that Elijah is like Moses. This equation is indeed developed in all details in the following Midrash: "*You find that Moses and Elijah are alike in every respect: Moses was a prophet, and Elijah was a prophet; Moses was called *man of God*, and Elijah was called *man of God* . . . Moses killed the Egyptian, and Elijah killed *Hiel* . . . Moses was maintained by a woman, the*

⁹⁷ Midrash Sam., ed. Buber, p. 90: אמר ר' לוי, כנואל הראשון הוא נואל שני [אחרון —], (See Mann, *The Bible* etc., Hebrew Section, p. 219, note 655).

daughter of Jethro, and Elijah was maintained by a woman, *the widow of Zerephath* . . . Moses gathered Israel on Mount Sinai, and *Elijah gathered them on Mount Carmel*; Moses eradicated the idolatries . . . , and Elijah eradicated the idolatries, and *seized the prophets of Baal and slew them* . . . Moses built an altar, and *Elijah built an altar*.⁹⁸

These parallels between Moses and Elijah were, in all likelihood, present in the mind of the artist; their influence upon the choice of the Elijah episodes and their arrangement is almost palpable. It goes without saying that, from this perspective, the Elijah cycle constitutes simply the "last," the most perfect, reincarnation of Moses, of whom the preceding panels, those of Samuel-David and Mordecai, were only transitory reincarnations.

Finally, it may be noted that in the homiletic-symbolic language of the third century the Elijah episodes were looked upon as foreshadowings of the outstanding act of the Messianic drama. And it was especially the child of the widow of Zerephath restored to life that stirred up the eschatological imagination. Not only does the scene symbolize the final stage of the Messianic era, the resurrection of the dead, but also its initial stage, the

⁹⁸ Pesikta Rabbati, ed. Friedmann, p. 13a, IV: ויקח אליהו, כך פתח ר' תנחומא: ויבנאי העלה ה' אלהים ממצרים, זה משה, ובנביא נשמר, זה אליהו. אתה מוצא שני נביאים עמדו להם לישראל משבטו של לוי, משה ראשון ואליהו אחרון ושניהם נואלים את ישראל בשליחותו. משה גאלם ממצרים . . . ואליהו גאלם לעתיד לבוא . . . ואת מוצא ש משה ואליהו שוין זה לזה בכל דבר: משה נביא ואליהו נביא . . . משה הרג את המצרי, ואליהו הרג את חילאל . . . משה נתכלכל על ידי אשה . . . ואליהו נתכלכל על ידי הצרפתי . . . משה כינס את ישראל להר סיני, ואליהו כינסם להר הכרמל . . . משה ביער עובדי ע"ז . . . ואליהו ביער ע"ז ותפש נביאי הבעל ושחטם . . . משה נתפלל על ישראל . . . ואליהו נתפלל על ישראל . . . משה בנה מזבח ואליהו בנה מזבח.

Moses and Elijah appear here in the first place as ruling "redeemers" and represent therefore the kingdom theme. Following the usual pattern, the preacher supplements parallelisms drawn also from the other themes of the triad. The gathering on Mount Carmel is conceived of as a counterpart to revelation on Sinai (Torah). Thus Elijah represents also the Torah theme. It goes without saying that the erection of the altar and the sacrifice there makes Elijah a representative of the priesthood. It may be noted that all the scenes painted by our artist are included in the list of parallelisms between Moses and Elijah. Even the legendary Hiel episode is mentioned. Its counterpart, according to the preacher, is the slaying of the Egyptian by Moses.

appearance of the Messiah ben Joseph. As matter of fact, a Babylonian tradition tells us that Elijah himself appeared before the "savants," and told them that the child of the widow of Zerephath was the Messiah ben Joseph. The same tradition reported Elijah as saying that, by his act of visiting the widow of Zerephath, he wanted to indicate that he would have to go to Babylonia before the advent of the Messiah.⁹⁹ No better scene could have been chosen for the decoration of a synagogue in a community like Dura which is on the route leading from Palestine to Babylonia. Was not Elijah on his way to Babylonia before the advent of the Messiah to pay a visit to the synagogue of Dura?

It is obvious that, in the homiletic perspective, the defeat of the prophets of Baal and the erection of the altar by Elijah were interpreted symbolically as the defeat of Gog and Magog and the restoration of the sanctuary in the Messianic age.

The Prince of Edom (Roman Emperor). If the Elijah cycle offers us a vague presage of "the generation of the Messiah," it may be safe to surmise that all the other panels of this zone represent the same thing, the wars preceding the advent of the Messiah, culminating in the victory over the prince of Edom, and followed by the resurrection of the dead and the proclamation of the Davidic kingdom, the kingdom of the Lord.^{*}

In view of its poor state of preservation, we temporarily ignore the east wall, and turn to the north wall with its famous Ezekiel panel containing, among others, the vision of the "dry bones" (Ezek. 37). Here we have, in all likelihood, the climax of the eschatological struggle and its happy ending, and we shall endeavor to put in relief the artist's vision of this climactic moment.

We do not intend to deal with all the problems connected with this panel which has attracted the attention of many scholars, and has been the subject of several penetrating stud-

⁹⁹ Seder Eliahu Rabba, ed. Friedmann, p. 97-98: פעם אחת היו רבותיו: יושבים ואומרים מהיכן אליהו בא... עד שהן יושבין ואומרים בא אליהו ועמד לפניהם... אמר להם, אותו חינוק משיח בן יוסף היה ורמז רמותי לעולם שאני יורד תחלה לבבל. See editor's note on p. 98; cf. Yalkut I Ki. 17.



12. BEHEADING OF THE PRINCE OF EDOM

ies.¹⁰⁰ We shall touch only upon one episode, rather neglected by some scholars, and which still remains the most enigmatic in the whole of the complex panel. I refer to the last segment, read from the left to the right. It should be noted that this part of the panel is rather poorly preserved, so that I could make little use of the reproductions at my disposal. I am compelled to rely entirely on the description given by Kraeling and Du Mesnil. According to this description, we see, reading from left to right, a man at the horns of an altar. He is seized by a warrior in full armor. Farther to the right before a company of soldiers, the man who was first clinging to the altar kneels. Over him stands a man with upraised sword ready to decapitate him. The executioner holds his victim by the hair of his head. Hopkin's suggestion that the scene recalls nothing so much as the story of the execution of Joab by Benaiah (after I Ki. 2.28), is now generally accepted by most of the scholars.¹⁰¹ However, Kraeling's objection: "Why should the

¹⁰⁰ Cf. the brilliant article of Rachel Wischnitzer-Bernstein, "The Ezekiel Panel" (The Conception of the Resurrection in The Ezekiel Panel), in *JBL* vol. 60 (1941), p. 43-55.

¹⁰¹ Kraeling, p. 50-51 (358-359); Du Mesnil, p. 100-103 (No. 21), Plate XLIV.

synagogue artist give so much importance to so unfortunate an episode?" and "What has this episode to do with the Ezekiel scene?" remains unanswered. Mrs. Wischnitzer¹⁰² is on the right track in sensing here an eschatological tendency, but the whole impact of the eschatological imagery will emerge as soon as we move from the realm of "*Peshat*," the literal meaning of the Joab episode, to that of "*Sod*," its symbolic-homiletical implication.

In order to catch a glimpse of this "mystery," we must broaden our horizon, and cast a glance at what was going on in the Roman Empire at that time. We are, as the Aramaic inscription tells us, in the second year of "Philip Caesar" (245). The Roman Empire was undergoing a tremendous crisis. The emperors were mostly proclaimed by the various armies scattered in the various provinces of the empire. Rival emperors were proclaimed in the various provinces. In the decade preceding the proclamation of Philip the Arab, *four emperors were beheaded as usurpers*. No wonder that the Roman Empire was generally considered as being on the verge of disintegration. This, obviously, strengthened the expectations of the Jews and their wishful thinking that the fall of the fourth kingdom (Edom-Rome) was approaching and that their own Messianic kingdom was at hand. When, now, in the midst of this frame of mind, Philip the Arab, a native of *Bostra*, in Syria, ascended the imperial throne in Rome, Jewish Messianic hopes at once focussed on the prophecy of Isaiah 34.6 which reads: "For the Lord has a sacrifice in *Bozrah* and a great slaughter in the *land of Edom*," identifying "Bozrah" with "Bostra."¹⁰³ The parallelism of "Bozrah" and "Edom" (Rome) assumed now a special meaning, and it played an important role in the shaping of the eschato-

¹⁰² Wischnitzer-Bernstein, l. c.

¹⁰³ The identification of Bozrah with Bostra, on the occasion of the ascension of Philip the Arab of Bostra, was suggested by S. Krauss in *Monumenta Talmudica*, V, p. 61, and more emphatically stressed by S. Lieberman in his article "The Martyrs of Caesarea" (in the *Annuaire de l'institut de philologie et d'histoire orientales et slaves*, Tome VII, (1944), p. 399s. The basis for this suggestion is the following homily in Gen. R. 83:3: אמר ר' אבהו לבן מלכים שהיה לו דין עם אחד. . . כך אמר הקב"ה כבר היה מלכות עקורה מאדום ובאת בצרה וסיפקה להם מלכים, לפיכך אין לי עסק אלא עם בצרה שנ' כי זבח לה' בבצרה.

Philip of Bostra) on the two parallel terms Bozrah-Edom, combined with the analogy of Bozrah and Bezer, brought about the connection between the episode in which Joab erroneously was seeking asylum at the horns of the altar, and the final defeat of the prince of Edom who, likewise erroneously, will seek asylum in *Bozrah* (*Bostra*).

We now venture a step further, and surmise that our artist used the Joab story merely as a pretext, or better a disguise, in order to depict the slaughter of the prince of Edom, the Roman emperor, as conceived in contemporary eschatological vision. In fact, our painter follows much more closely the description of the beheading of the prince of Edom than he does the Biblical Joab episode. Such description is given in a more elaborate version of the Resh Lakish saying which reads: "R. Aha said: "In the future all the nations of the world will rebel against the Fourth Kingdom (Rome); they will expel it from their midst and pursue it till Beth-Gubrin. There the prince of Edom will surrender the kingdom to the Messiah and flee to *Bozrah*. The Holy One, blessed be He, will appear in order to execute him, whereupon the prince of Edom will argue and say: Is it not written (Deut. 4.41) that Moses separated three cities that the manslayer might flee hither, and is not one of them Bezer in the wilderness? But the Holy One, blessed be He, will answer that the prince of Edom is mistaken; first, because Bozrah is not Bezer etc. (exactly identical with the statement of Resh Lakish) . . . Immediately, thereon, *the Holy One*, blessed be He, *will seize the prince of Edom by the locks of his head and Elijah will slaughter him.*"¹⁰⁵ To my knowledge, there is not the slightest hint in the Joab story which might suggest that the victim was seized by the hair or that he was kneeling and decapitated. All this becomes meaningful if we

¹⁰⁵ Yalkut S., I, #133: דרש ר' אחא עתידין כל אומות העולם לבגוד במלכות הרביעית: ולפנותה מבינים ואין מניחין לה לא כרך ולא מדינה, ודוחין אותה מאומה לאומה עד שמנעת לבית גוברין ומוצאה שם מלך המשיח ומשלים לו המלכות ומנהן הוא בורח לבצרה ונגלה עליו הקב"ה להרגו, והוא אומר, ולא צוית ונס אל אחת הערים ההם וחי . . . מיד הקב"ה תופס לשרו בציצת ראשו ואליהו שוחטו ודמו נחו על בגדיו . . . מזה בא מאדום חמוץ בגדים מבצרה. Cf. Monumenta Talmudica, V, p. 52s, and notes of S. Krauss. A somewhat later variation is to be found in Bereshith Rabbati, Albek, p. 166-167.

assume that the painter was inspired by the above mentioned description of the beheading of the prince of Edom.

It also explains why the executioner, supposed to be the same Benaiah who first appears as a great warrior in full armor, wears now a white tunic and seems rather like a priest than a warrior. Evidently, the artist did it purposely in order to indicate the shift of the stage from the Joab-Benaiah episode to the Elijah-Edom vision.

There is in the painting one significant deviation from the literary source mentioned above. In the latter it is the Holy One who seizes the prince of Edom by the hair and Elijah who slaughters him, while the painter lets the same person (Elijah or the Messiah) who seizes the victim be the executioner. However, the departure from the literary source at this point is quite understandable. The painter might have had scruples about representing the Holy One as seizing the prince of Edom by his hair, all the more so since, in the opposite side of the panel, he shows us Ezekiel seized by the hair from above as token of prophetic inspiration.

That there has been certain hesitation and oscillation on the part of the painter as to the representation of our scene has been established independently by Kraeling and Du Mesnil.¹⁰⁶ As matter of fact, they point out that the extreme right segment of our scene was repainted, and that traces of an earlier attempt seem to indicate that, in the original scheme, the victim has been shown in a standing position. There is every reason to believe that the original design was in perfect harmony with the eschatological pattern of R. Aha mentioned above, viz. that the prince of Edom was to be shown seized by the hair by a hand from above. Such position must have been suggested to the artist by his inclination toward symmetry. It was only after closer consideration of the entirely different, almost opposite, meaning of the same gesture in the case of Ezekiel and in that of the prince of Edom, that the artist decided to change the position of the prince of Edom and, consequently, also that of his executioner.

¹⁰⁶ Kraeling, p. 50, note 46; Du Mesnil, p. 102, and Fig. 70 on p. 101.

East Wall. Having tried to unlock some of the "mysteries" of the Elijah episodes on the south wall, and to unriddle the enigmatic section of the Ezekiel panel on the north wall, we now turn to the east wall, and venture the reconstruction of its almost obliterated two panels. All that remains of these pictures is, as Kraeling remarks, scarcely sufficient to make any interpretation certain. The generally accepted identifications, based on the faded traces, are: "Elijah fed by the birds" (after I Ki. 17) and "Saul and David in the wilderness of Ziph" (after I Sam. 26).¹⁰⁷ These identifications are mere guesswork and do by no means satisfactorily explain all the scattered traces still visible. In a case like this where the discernible vestiges of the paintings offer no clue for identification, we prefer to consider the surface as a *lacuna*, and to undertake the work of reconstruction merely on the basis of context. We simply disregard for the time being the few illusive traces of the paintings, and ask instead what does the context require?

Whoever has followed our procedure in the interpretation of Register C cannot fail to realize that, in the panels of the eschatological cycle thus far dealt with, we miss one essential element, namely that of the "wars of Gog and Magog," an element which could hardly have been omitted in an eschatological structure outlined and depicted in the middle of the third century. It seems therefore quite reasonable to assume that the two panels on the east wall contained precisely this missing link, i. e. "the wars of Gog and Magog," all the more so, since such wars form the logical transition from the preparatory stage of the eschatological drama as represented in the Elijah cycle on the south wall, and the final triumph over the prince of Edom and the resurrection portrayed on the north wall.

Before we examine the remnants of the two panels, let us try to determine the source whence our artist might have drawn the ingredients for his picture of the "wars of Gog and Magog." We pointed out above that the eschatological vision of the time was focussed on the prophecy of Isa. 34 announcing a "sacrifice in

¹⁰⁷ Kraeling, p. 56-58 (364-366); Du Mesnil, p. 103-108, (Nos. 22, 23), Plate XLV.



13. WARS OF GOG AND MAGOG, FEAST OF THE BIRDS

Bozrah (identified with Bostra) and a great slaughter in the Land of Edom." The same prophecy was, in all likelihood, also the source of inspiration for the imagery of the "wars of Gog" hinted at in verse 8: "For the Lord hath a day of vengeance, a year of recompense for the controversy of Zion." Now, one of the characteristic traits of the destruction of the enemy in this picture is given in the following verses: "But the *pelican* and the *bittern* shall possess it and the *owl* and the *raven* shall dwell therein (v. 11) . . . there shall the *arrowsnake* make her nest, . . . Yea, there shall the *kites* be gathered, everyone with her mate." (v. 15). But this is not all. As if to indicate that this description of the "day of vengeance" is incomplete, the prophet continues: "Seek ye out of *the book of the Lord* and read, no one of these should be missing." This reference to "the book of the Lord" was interpreted in R. Johanan's circle as referring to the story of Noah which in turn was connected with the prophecy of Ezekiel 39: "And thou, son of man, thus said the Lord God: Behold, I *am against thee, O Gog* (v. 4) . . . Thou shalt fall upon the mountains of Israel, thou and all thy bands the peoples that are with thee: I will give thee, unto the *ravenous birds of every sort*, and to the beasts of the field to be devoured . . . (v. 17). And thou, son of man, thus saith the Lord God: *Speak unto the birds of every sort* and to every beast of the field: Assemble yourselves to My feast,

that I do prepare for you, even a great feast upon the Mountains of Israel, that ye may *eat flesh and drink blood*, (v. 18), the flesh of the mighty shall ye eat, and the blood of the princes of the earth shall ye drink (v. 20) . . . And ye shall be filled *at My table with horse and horsemen*, with *mighty men and with all men of war*, saith the Lord God."¹⁰⁸

In view of the fact that the key note of the eschatological vision of the time was that of the "Lord's sacrifice in Bozrah (Bostra)," this picture of the "wars against Gog," namely as the "Lord's feast" in which the mighty men and princes are *sacrificed* and offered to the "birds of all sort" to be devoured by them, must have attracted the artist's imagination. Can we find any allusion to this scene in the traces of the panels of the east wall?

According to Hopkin's description reported by Kraeling, we see in the center of the shorter panel, to the right of the main door, "the legs of a man dressed in a long white garment. He is in a recumbent position. At his left stands something *resembling a table*. At his right two large birds are to be seen. The birds have red legs and beaks . . . Between the birds there is a rounded object painted with dark red lines."¹⁰⁹ Now I am inclined to interpret the birds, the only certain element in the panel, as the assembly of the birds to the "Lord's feast and sacrifice;" the reclining man would then represent the "flesh of the mighty" offered to the birds, and the red round object between them may represent a vessel with the "blood of the princes of the earth" that they "shall drink." Finally the table would allude to the "Lord's table" at which the birds should be "filled with mighty men and with all men of war" (Fig. 13).

Significantly enough, Du Mesnil was on the right scent in asserting that the scene suggests a "feast" (he thought of the

¹⁰⁸ Gen. R.: יוחנן אמר דרשו מעל ספר ה' וקראו, ומה אם להסגר בתיבה י"ב חודש? היו באים מאליהן שנ' והבאים זכר ונקבה (ברא' ו, טז), להפטימם מבשר גבורים על אחת כמה וכמה, הה"ד בן אדם כה אמר ה' אלהים אמור לצפור כל כנף וכו' (יחז' לט, יז). The analogy of the birds coming to the feast with those entering Noah's ark, based on Gen. 7.16, explains why the artist depicted a pair of birds in our panel, because Gen. 7.16 reads: "And they that went in, went in male and female."

¹⁰⁹ Kraeling, p. 57.

feast of Belshazzar, after Dan. 5.1-3).¹¹⁰ He dropped this suggestion, because he did not know what to do with the birds; he did not realize that the birds were the very guests to whom the "feast" was given.

The second panel on the east wall. We follow also here the description given by Kraeling and Du Mesnil. The scene is divided into portions by a change in the color of the background. At the left, cast against a *red background*, a troupe of horsemen accompanied by dogs is visible, moving to the right. In the center of the picture, where the background changes to green, we have a large reclining figure dressed in a white bordered tunic, green trousers and white boots. Behind him two small figures are seated on the ground. At the right, portions of four persons are visible. One appears to rest his left hand on a spear at his hip, while the second holds a round object with a long neck in front of him.¹¹¹ As indicated above, according to the interpretation generally accepted, the scene would represent the encounter of Saul and David in the wilderness of Ziph (after I Sam. 26). The strange thing is that there is nothing in the whole story which could have suggested to the artist a troupe of horsemen; neither the band of Saul nor that of David appears as horsemen.

We therefore venture to surmise that this panel portrays another phase of the "wars of Gog and Magog" which was suggested to our painter by the following prophecy of Ezekiel (chap. 38): "Son of man, set thy face toward *Gog, of the land of Magog*, the chief prince of Meshech and Tubal, and prophesy against him, and say: Thus saith the Lord God: Behold, I am against thee, O Gog . . .; and I will turn thee about, and put hooks into thy jaws, and *I will bring thee forth and all thy army, horses and horsemen*, all of them *clothed most gorgeously, a great company* . . . It shall come to pass *in that day*, that things shall come into thy mind . . . and thou shalt say: *I will go up against the land of unvalled villages; I will come upon them that are at quiet, that dwell safely*, all of them dwelling without walls, and

¹¹⁰ Du Mesnil, 108.

¹¹¹ Kraeling, p. 57-58 (365-366); Du Mesnil, p. 103-107 (No. 22), Plate XLV.



14. WARS OF GOG AND MAGOG (*left side*)



15. THE SAME SCENE (*right side*)

having neither bars nor gates; to take the spoil and to take the prey . . . Therefore, son of man, *prophesy, and say unto Gog*: Thus saith the Lord God: *in that day when my people Israel dwelleth safely*, shalt thou not know it? And thou shalt come from thy place out of the uttermost parts of the north, *thou, and many people with thee, all of them riding upon horses*, a great company and a mighty army; and thou shalt come up against My people Israel . . . and I will bring thee against My land, that the nations may know me, when I shall be sanctified through thee, O Gog, before their eyes."

There seems to be no serious objection to the identification of the troupe of horsemen, at the left of the panel, with "Gog and his army, all of them clothed most gorgeously." Indeed, all the horsemen are accoutred in Persian fashion, and appear in full martial array ready for battle, which is also indicated by the *red background*. Moreover, there is also one horseman of particular prominence, both in the position assigned to him and in the care with which horse and rider have been pictured. This prominent figure would, obviously, represent Gog himself. The opposite scene or scenes, i. e. the center and the right side of the panel, with the green background, suggest the "land of unwall'd villages" with the people therein "that are at quiet, that dwell safely." The central reclining figure seems to represent the Messiah, the antagonist of Gog (Figs. 14 and 15).

The only difficulty in our interpretation is what to do with the two persons at the right, one of them holding something which looks like a cane or a spear, the other one with a bottle in his hand. The two objects are generally identified with Saul's spear and water bottle. I dare surmise that the two objects may also have an eschatological connotation. According to a rabbinic tradition, "the vase of the Manna, the bottle of the oil of anointment, and the rod of Aaron" were hidden by Josiah together with the Ark of the Covenant, and they will be restored in the future by Elijah.¹¹² The person with the bottle in our scene

¹¹² Mekilta, ed. Lauterbach, II, p. 126: וזה אחד משלשה דברים שאליו עתיד להעמיד לישראל, צלוחית הסן, וצלוחית של מי נדה וצלוחית של שמן המשחה. קח את המטה זה; cf. also Yalkut S. I, #521: ויש אומרים אף מקלו של אהרן

could therefore refer to Elijah with the "oil of anointment" to be restored to the Messiah. The other person with the other object in the hand could represent the restoration of "Aaron's rod."

Needless to repeat that our suggestions and identifications, concerning the panels of the east wall, are based mainly on the supposition of a general organic plan which runs all through the paintings, and not on the few faded traces of the pictures. Moreover, according to our interpretation, the artist follows, in the last zone, the same pattern we observed in the Jacob and Samuel cycle in the two other zones. There we found him expressing his theme through a series of episodes forming a *running illustration* of certain portions of the Bible. Likewise in our zone, according to our interpretation, the artist unfolds his eschatological theme by illustrating Ez. 37, 38, 39.

VII

CENTRAL PANELS

גור אריה יהודה

לא יסור שבט מיהודה ומחוקק מבין רגליו

אסרי לגפן עירה ולשרקה בני אחנו

We now feel somewhat encouraged to approach the difficulties of the central panels, the most obscure and controversial ones. It is well known that the main obstacle in the interpretation of these panels derives from the fact that the area was painted twice. First the whole area was treated as a unit, and decorated by one single design. Later most of the original design was obliterated by a red wash, and the area divided into two zones, corresponding to the scheme of the other wall paintings, and painted over for the most part with new designs. The main

and המטה שהיה ביד יעקב . . . וכן עתיד אותו המטה לימסר למלך המשיח באותה שעה מביא הקב"ה אליהו ומשיח
"Seder Eliahu Zuta, ed. Friedmann, XIX: וצלוחית של שמן בידיהם ומקליהם בידיהם. See editor's note 44.

It is interesting to note that the form of the bottle in our panel is almost identical with the cruse of oil in the panel of the Widow of Zarephath (cf. Du Mesnil, 175, Fig. 113, 1 and 2).

problem is how to get an accurate description of both, the underpaintings and the overpaintings. The difficulty is aggravated for us because, due to the fact that no reproduction at our disposal is clear enough to perceive the designs, we are entirely dependent on the descriptions of Kraeling and Du Mesnil which differ somewhat from each other.¹¹³

As far as the underpainting is concerned, both writers agree that its principal motif was a large vine issuing from a heavy stem immediately above the *aedicula*. They also agree on certain other ornaments besides the vine, for instance, on a certain yellow object placed on a yellow table (shewbread?) beneath the vine to the left. But as to the further details there are differences between them. Du Mesnil limits the ornaments of the underpainting to inanimate objects, while Kraeling assigns to the underpainting certain animal and human figures. Kraeling's description seems more accurate, and we shall quote him:

"The upper portion of the medallion contained a figure seated on a throne. Two small figures in long white robes stood one on either side and slightly before him. Farther down in the medallion, set in a row, were an unidentifiable animal, a lion and a white bird. Underneath the vine, to the left of its stem, stood a yellow (golden) table with a circular object upon it. To the right of the stem, on the same level, two rampant lions facing each other supported a globular yellow (golden) object from which slender spirals branched out over the lion's heads." Kraeling admits that "save for the vine itself the symbolism of these devices and figures is not yet clear." Still, on the basis of the overpainting, he concludes: "The central figure on the throne represents Moses. The vine and the animals are national symbols. The whole picture symbolized national life and unity. The unity is rooted in the Torah, and its greatest exponent and symbol is Moses. Its outward expression are the cult and faith of the believer."¹¹⁴

¹¹³ Kraeling, p. 59-63 (367-371); Du Mesnil, p. 27-28 (No. 2) — underpainting —, 43-45 (No. 6) — overpainting of Register A —, 48-52 (No. 10) — overpainting of Register B —. Plates: XX, XXIII.

¹¹⁴ Kraeling, p. 59-60, and note 67 on p. 60.

There is undoubtedly a good deal of truth and penetrating observation in Kraeling's construction, but since he himself admits that his is not a definite solution of the complex problem, we may try to apply our approach to the composition as a whole also to the central panels. The very fact that some elements of the underpainting could, as will be seen later, be left and inserted into the new design adapted to the whole composition, implies that in its main conception the underpainting was essentially not different from the later paintings. Such being the case, we are justified in assuming that the triad — Torah, priesthood, kingdom — which runs through the later composition was also a formative factor in the design of the underpainting.

The following consideration may help us to discover our triad in the underpainting. A glance at the wall paintings shows that the artist used two methods of expression: a static one and a dramatic one. According to the first method the elements of the triad are represented by means of symbolic portraits, viz. by pictures of their most conspicuous exponents; Moses representing the Torah, Aaron and Jacob representing the priesthood and cult. The second method consists in depicting certain scenes in which the elements of the triad are reflected as active factors. Save for the four portrait panels, the dramatic method is the dominant in the wall paintings. It is reasonable to assume that the static as a more primitive form of expression (by means of almost iconic portraits) preceded the dramatic representation. Granted therefore that Kraeling's description is correct, and the central group of three human figures, namely a king on a throne in the center and two smaller figures on either side, belongs to the underpainting, the suggestion that the three figures symbolize just our triad — Torah-priesthood-kingdom — appears almost a matter of course. But we hardly could agree with Kraeling's identification of the central figure on the throne with Moses, the exponent of Torah, since the latter found its static expression in the two Moses portraits. We would rather identify the central figure with the Messiah, the embodiment of the final "kingdom." It would complete the representation of the third element of the triad by a symbolic portrait. The two figures on either side would then be: Moses and Elijah repre-

senting Torah and priesthood respectively. Elijah, as has been shown above, is conceived by our artist as high-priest.¹¹⁵

The central group, therefore, although it contains all three elements, seems to have been conceived by the artist mainly as the symbolic expression of the messianic "kingdom" embodied in the central figure on a throne.

This interpretation of the central group is borne out by the other ornamental elements, such as the vine, the lion etc. The vine and the lion are familiar national symbols among the prophets, as pointed out by Du Mesnil and Kraeling.¹¹⁶ According to Du Mesnil, the combination of both these symbols indicates that the painter was inspired by Ezekiel's "lamentation for the princes of Israel" (Ez. 19) where the two similes, vine and lion, are used (v. 2 and 10). However this interpretation is hardly satisfactory. For one thing, it is difficult to see what might have prompted the artist to draw the attention of the congregation to Ezekiel's elegy. Secondly, the close connection existing between the underpainting and the overpainting makes it very probable that the same Biblical text which was the source of inspiration for the one was also the guiding principle for the other. Now the scenes of the overpainting, as we shall see later, are taken from Gen. 48-49, and our interpretation of the underpainting leads us to the same Biblical portion. For if the painter's purpose was to depict the messianic kingdom, he could not overlook the *locus classicus* of the messianic theme in Gen. 49.8-12 which reads: "Judah . . . thine hand shall be on the neck of thine enemies . . . Judah is a *lion's whelp* . . . He stooped down, he couched *as a lion*, and as a *lioness*; . . . The *scepter shall not depart from Judah*, nor the *ruler's staff from between his feet, until Shiloh (the Messiah) come*, and unto him shall the obedience of the peoples be. Binding his foal unto the *vine*, and his ass's colt unto the *choice vine*; he washes his garments *in wine*, and his

¹¹⁵ Moses and Elijah appear with the Messiah in the New Testament, Matthew 17:3. See Strack-Billerbeck, *Kommentar* etc., I, p. 756 f. Cf. Agadath Bereshith, ed. Buber, p. 134: והמשיח בא לנאול אותן, והקב"ה אומר נשבע אני שאין בני נאלין עד שיבא משה רבן. See also Bersith Rabbati, Albek, p. 136, and references by editor.

¹¹⁶ Cf. Du Mesnil, p. 28.

vesture in the blood of grapes. His eyes shall be red with wine, and his teeth white with milk." Here we have the combination of the two symbols of vine and lion with reference to the messianic kingdom. One has only to read this section in the Aramaic paraphrase of Pseudo-Jonathan, which is probably very much like the Targum used by the congregation in Dura, and one will realize that the artist could hardly have found a more appropriate allusion to his kingdom theme.¹¹⁷

Not only does this passage, interpreted messianically, explain the meaning of the vine, the lion, and some other unidentifiable animals (the "foal" and "ass" may account for it), but it also offers a clue to decipher the symbolism of certain details which thus far remained entirely obscure. Such is, for instance, the detail of the globular object supported by the lions, and from which two slender spirals branch out over the lions' head. Now the meaning of this detail becomes at once transparent if the artist was inspired by the messianic passage mentioned above. We should bear in mind that, according to rabbinic tradition, Gen. 49.10: "The scepter shall not depart from Judah" refers to the "heads of captivity" (exilarchs), while the following: "Nor the ruler's staff from between his feet" alludes to the "heads of the Palestinian school" (the patriarchs).¹¹⁸ The globular object in all likelihood represents the knob of the "staff" from which two "scepters," the two slender spirals, branch out, namely that of the exilarch in Babylonia and of the patriarch in Palestine. The two rampant lions assume a special meaning; they symbolize the head of Palestinian and Babylonian Jewry respectively. Both of them, as we know, claimed Davidic descent, and assumed, as emblem, the Lion of Judah. The symbol

¹¹⁷ The role this verse played in the Christian-Jewish controversy is best illustrated by Adolf Poznanski in his book: *Schiloh, ein Beitrag zur Geschichte der messianischen Lehre*, 1904.

¹¹⁸ Sanh. 5a: ומחוקק מבין . . . וראשי גליות שבבבל. רנליו אלו בני בניו של הלל שמלמדים תורה ברבים (Cf. R. Judah I (cf. Israel Levi, *REJ*, 1895, p. 202). A later version reads: ומחוקק. אלו נשיאים של בית רבי שמלמדים תורה ברבים בארץ ישראל (Cf. שטה חרשה לברכה יעקב, and Mann, *The Bible* etc., Hebrew section, p. 203: ומחוקק, זה הנשיאות).

of the two lions, familiar in synagogal ornamentation, had a special attraction for the congregation of Dura. For it is safe to assume that its members were recruited from both centers, Palestine and Babylonia, and that there was a balance of influence between the "staff" of the patriarch in Palestine and the "scepter" of the exilarch. We should keep in mind that the co-operation of the two centers reached its peak in the middle of the third century; Palestinian scholars "descended" frequently to Babylonia, and Babylonians "ascended" in great numbers to Palestine, where they occupied the highest ranks in the schools.¹¹⁹

The original central panel, seen from this point of view, played the same role for the kingdom theme, as the two pairs of portraits did for Torah and priesthood. The artist tried to express the idea of kingdom through an iconic portrait of the Messiah rather than by the picture of Biblical scenes.

However, there were certain objections against such procedure. For one thing, the subordination of the figure of Moses to that of the Messiah must have appeared improper to the Babylonian group of the congregation.¹²⁰ As a matter of fact, the ranking order of the Messiah and of Moses was a subject of controversy between the Palestinian and the Babylonian authorities of that time. In their meditation about the ultimate goal of the creation of the world (humanity), R. Johanan, a Palestinian authority, asserts "The world was created but for the Messiah's sake," while Mar Samuel, a Babylonian authority, maintains "The world was created but for Moses' sake."¹²¹ The controversy reflects different views about the nature of the Messiah. Indeed, Mar Samuel, the genuine representative of Babylonian Jewry, conceived the Messiah chiefly as political head of the Jewish people, almost as the ideal exilarch. Hence

¹¹⁹ Cf. Z. Frankel, *Mebo ha-Yerushalmi*, p. 60a (Abdima), 120a (Ulla).

¹²⁰ Pesikta Rabbati, 13b, quoted above (note 97): בדבר אחר מצינו משה ונדרול מליהו, שלמשה אמר ואתה פה עמוד עמדי, ולאליהו מה לך פה אליהו. It may be noted that Elijah here is almost synonymous with the Messiah; he is styled אחרון, "the last redeemer."

¹²¹ Sanh. 98b: אמר רב לא איברי עלמא אלא לדרד ושמואל אמר למשה, ור' יוחנן אמר: למשיח.

Samuel's statement: "There is no difference between 'this world' and the messianic era except for political freedom."¹²² In other words, the main function of the Messiah consists in restoring political freedom to the Jewish people. It goes without saying that a secular, political Messiah, molded after the pattern of the exilarch, could hardly be placed on a higher hierarchical level than Moses. Entirely different was the Messiah concept of the Palestinian scholars. They shifted his sphere of action from the political to the spiritual world, and connected the messianic age with the "World to come" (Olam ha-Ba). Consequently, the Messiah assumed certain Christian connotations, and became almost a transcendent personality. Such a Messiah obviously could be placed above Moses.

The two concepts and approaches must have been fluctuating among the members of the congregation of Dura who had close relations with both centers. At first the Palestinian element seems to have prevailed, and no offense was taken at the subordination of Moses to the Messiah. Later, however, the Babylonians who seem to have taken the lead decided to change the picture in Moses' favor.

Moreover, serious political considerations also might have prompted the heads of the congregation of Dura to change the original painting. The leaders of the congregation knew very well that there would be no objection on the part of the ruling power, the Roman Empire, to the glorification of Jewish cult and liturgy, since Jewish religion enjoyed the protection of the Roman Empire as a *religio licita*. Entirely different was the case with the kingdom theme. The representation of this theme in an unequivocal symbolic portrait on a royal throne, accompanied by a clear allusion to the overthrow of the ruling power ("And unto him shall the obedience of the peoples be"), must have seemed a challenge to the Roman authorities which might have jeopardized the Jewish position in Dura.

Finally, there might have been another reason for the change. It is a well known fact that later authoritative Judaism rejected certain concepts and symbolical interpretations of prophecies of

¹²² Ber. 34b: אמר שמואל אין בין עוה"ב לימות המשיח אלא שעבוד מלכויות בלבד.



16. JACOB'S BLESSING

Jewish origin, because they were seized by Christian propaganda and turned into weapons against Judaism.¹²³ A glance at the Christian polemical literature of the third century shows that the passage in Gen. 49.10 had become the most accredited witness against the Jews. It might have been a change in the relationship between Jews and Christians in Dura which recommended the suppression of the messianic symbolism of Gen. 49.10.

VIII

ויהי בישרון מלך בהחאסף ראשי A
 B הקבצו ושמעו בני יעקב ושמעו אל
 עם יחד שבטי ישראל
 ישראל אביכם

Overpainting. How was the change effected? Again we quote Kraeling: "In order to prepare the area for repainting it was covered with a red wash, except for the central medallion. The

¹²³ Aptowitz A., *בית המקדש של מעלה*, in "Tarbiz," vol. II, p. 152 f.; also Lauterbach, *The Ancient Jewish Allegorists in Talmud and Midrash*, JQR, 1911, p. 509.

zone line dividing Register A and B was then extended through the field. It cut the original design just below the feet of the men before the throne and just above the row of animals. The center panel of register A as now constituted bore no trace of the vine, but still had at its middle the man on the throne with the smaller figures one on each side and in front of him. This group was now supplemented by the addition of *fourteen* (?) other figures . . . The man on the throne with the *sixteen* persons about him is all that the overpainting in Register A contained.

"The central panel of Register B, as reconstituted, preserved only the row of animals from the underpainting. To the left of the animals a man playing a lyre was introduced. In the lower left corner, where the table had been, the overpainting introduced a man reclining on a couch with twelve persons standing behind him. In the lower right corner it showed another reclining figure into whose presence two children are being brought by an adult. The man on the couch appears to touch the head of the child at the right with his own right hand. The vine seems to have been repainted in this scene in a darker shade of green."¹²⁴

The formal change is clear. The painter transformed the original portrait panel into two dramatic panels. We now have to face the problem of identification and interpretation, and we start with Register B because, except for the person with the lyre, its scenes are easily identified. Indeed, the two lower pictures have been correctly identified by Kraeling and Du Mesnil with Jacob's blessing of the twelve sons (after Gen. 49) on the one hand, and his blessing of Ephraim and Manasseh (after Gen. 48) on the other hand (Fig. 16).¹²⁵

This is an unexpected corroboration of our interpretation of the underpainting. It becomes clear that the artist in transforming his iconic panel into an allegoric one, endeavored to maintain the original source of inspiration which was, as we have seen, Jacob's blessing bestowed upon Judah. But, in the scheme, he first made use mainly of the kingdom symbols (vine, lion, staff etc.) connected with the blessing of Judah; in the revised

¹²⁴ Kraeling, p. 60-61: "supplemented by the addition of *fourteen* other figures."

¹²⁵ *Ibid.*, p. 61; Du Mesnil, p. 51-52.

panel the artist focused his attention on the dramatic gathering of the twelve sons as well as on Ephraim and Manasseh around their father, Jacob.

What is the symbolical meaning of these scenes? Du Mesnil is certainly right in pointing out that the insertion of the two pictures into the second zone is a clear indication that they represent some liturgical values.¹²⁶ However, in disclosing the liturgical aspect of our scenes, Du Mesnil has touched only upon the surface, but he did not penetrate into the symbolic homiletical core of the scenes the real inspiration of our artist. Du Mesnil to the contrary notwithstanding, the blessing of children on holy days has very little to do with Jewish liturgy.

Our interpretation of the two portrait panels on Register B offers the clue to the understanding of the liturgical character of the central panel of the same zone. It suggests that the two scenes described above should correspond to the two portraits, and represent the two essential elements of prayer, namely the reading of Shema (קריאת שמע) and the prayer proper (תפלה). And indeed, homiletically these two liturgical constituents are closely connected with the Biblical narrative of Gen. 49. This is clearly reflected in the two *Yelamdenu* topics on our *Seder*. The one reads: "What is the time for the reading of Shema in the evening?"¹²⁷ The other *Yelamdenu* topic reads: "Does the officiant (who recites the *Tefillah*) of the congregation have to answer 'Amen' after the Kohanite benediction?" and, in the course of the sermon, the importance of the officiant (עובר לפני התיבה) is stressed.¹²⁸ Thus we see how, in the imagination of the popular

¹²⁶ Du Mesnil, p. 48: "Or le tableau que nous allons etudier se rapport precisement a deux manifestations essentielles de la liturgie juive, especialement dans la synagogue (perfectly correct!), la psalmodie et les benedictions" (what kind of benedictions?).

¹²⁷ Ginze Schechter, I, p. 43-44: ויקרא יעקב אל בניו, הלכה, מאימתי קוראין: את שמע בשחרית, כך שנו רבותינו מי שיכיר אדם בין חכלת ללבן. בא ראה יש מצות שזכו להן ישראל ירושה חדשה ויש מצות משה ל אבותיהן . . . קיריית שמע מירושת קיימה אבות, ויעקב קיימה. Cf. references given by Ginzberg; see also Mann, l. c. 353.

¹²⁸ Tanḥuma, Wayehi, #7: ילמדנו רבינו העובר לפני התיבה מהו שיענה אמן אחר: הכהנים, כך שנו רבותינו העובר לפני התיבה לא יענה אחר הכהנים אמן. ראה כמה חביב לפני הקב"ה העובר לפני התיבה. Cp. Mann, The Bible etc., p. 350.

preacher, this Biblical section was associated with the two essential liturgical elements, and it was used as a means of impressing deeply upon the mind of the congregants the importance of the reading of the *Shema* and of the recital of the prayer.

There was, however, a difference between the preacher and the painter. The former could make use of the same passage for different purposes, because he could give various explanations in succession of the same passage. The painter had at his disposal only space, but not the time element, so that in order to express the two indispensable ingredients of the liturgy, he was bound to resort to two scenes. The *Shema* motif is linked directly with the text of our *Seder* which reads: "Assemble yourselves, and *hear ye*, sons of Jacob, and *hearken unto Israel* your father." According to the Midrashic explanation, this verse alludes to the institution of the reading of the *Shema* by Jacob. "When the twelve sons of Jacob were assembled," reads the legend in Targum Jonathan, "our father Jacob said to them: 'From Abraham my grandfather came forth the wicked Ishmael . . . and from my father Isaac came forth the wicked Esau, I am afraid lest there might be also among my children someone worshipping idols.' The twelve sons then answered and said: '*Hear (us)*, *Israel* (our father), the Lord our God the Lord is One,' whereupon Jacob answered and said: 'May His name be blessed for ever and ever . . .'"¹²⁹ The picture of the assembly of Jacob's sons around their father could therefore not fail to evoke in the mind of the congregants the legend which attributes the institution of the reading of the *Shema* to the Patriarch Jacob.

It was different with the *Tefillah*. Its homiletical link with our *Seder* is not a direct one, but an indirect one, viz. through the Haftarah to this *Seder* in which the word "*Tefillah*" is

¹²⁹ Pesahim 56a: דאמר ר"ש בן לקיש ויקרא יעקב אל בניו ויאמר האספו ואנידה לכם. אמר שמא חס ושלום יש ביקש יעקב לגלות לבניו קץ הימין ונסתלקה ממנו שכניה, אמר שמא חס ושלום יש במיטתי פסול כאברהם שיצא ממנו ישמעאל ואבי יצחק שיצא ממנו עשו, אמרו לו בניו שמע ישראל ה' אלהינו ה' אחד, אמרו כשם שאין בלבך אלא אחד, כך אין בלבנו אלא אחד, פתח יעקב אבינו ואמר ברוך שם כבוד מלכותו לעולם ועד.

mentioned (Isa. 56.7)¹³⁰ The artist could hardly make use of such device to direct the attention of the observer toward *Tefillah*. He therefore decided to use the preceding analogous scene, the blessing of Joseph's children, as representation of prayer, and this by an ingenious device. In the explanation of the Jacob portrait in Register B, we pointed out that the painter used "folded hands" as indication that the man is reciting the prayer. Now, in the scene of blessing Joseph's children, the text tells us that Jacob put his right hand on the head of Ephraim who was at his left and his left hand on the head of Manasseh who was at his right; in other words, Jacob folded his hands, so that they assumed the same position as if he had to recite the prayer. This was a clever device to link this Jacob scene with the Jacob portrait which portrayed Jacob with folded hands reciting the evening prayer.

But this is not all. In the course of our investigation we have seen that the messianic idea was never left out of sight by the artist; its trace could be found even in Register A and B dealing with the Torah and the priesthood. All the more so is it reasonable to assume that in this panel which originally formed a part of the messianic emblem-portrait, the painter still maintained certain allusions to the messianic kingdom. As a matter of fact, he introduced the figure of Orpheus playing the lyre which is nothing other than a David-Messiah portrait in disguise.¹³¹ Moreover, the very assembly of Jacob's sons is homiletically connected with Jacob's vision of the "hidden end" (the advent of the Messiah): "Gather yourselves together that I may tell you what shall befall you in the *end of days*," is generally compared with Daniel's "time of the end" (קץ העת). Thus, in the over-painting, Jacob's vision was substituted for the iconic image of the Messiah in the underpainting.

Nor is the second scene of the panel, the blessing of Joseph's children, devoid of messianic allusions. In the mind of the popular preacher the preference Jacob gave to Ephraim indicated that the Messiah ben Joseph, who will pave the way for the Messiah

¹³⁰ Cf. Mann, l. c. 350.

¹³¹ Du Mesnil, p. 49-51; Kraeling, p. 62, note 71.



17. MOSES' BLESSING

ben David, will be a descendant of Ephraim.¹³² It may be added that, as far as we may gather from Du Mesnil's sketch (Pl. XXIII), Joseph's figure, leading his two children, is symmetrical, in a diagonal line, to the figure of David-Orpheus to the left. It is quite conceivable that the painter portrayed Joseph as the Messiah ben Joseph in disguise on a lower level to the right as a counterpart to the Messiah ben David in disguise on a higher level to the left.

Let us conclude our investigation with the central panel in Register A. As mentioned above, it now consists of two groups: a) One, taken over from the underpainting which combines a person seated on a throne, clad in royal garments, and two persons in white robes standing on either side; b) A new additional group of figures, dressed in Iranian garments, forming a lower line. Kraeling and Du Mesnil are at variance with regard to the number of persons of this group. While the former speaks of fourteen figures, the latter's sketch shows only eleven.¹³³

Kraeling and Du Mesnil are certainly right that, in the new setting, the central figure on the throne should be identified with Moses. We may also accept the designation of the panel as "Apotheosis of Moses," suggested by Kraeling and Du Mesnil.

¹³² Bereshith Rabbati, Albek, p. 229: שראה יהושע עומר, ואולם אחיו הקטן יגדל, מאפרים, ועוד משיח בן יוסף שעמיד לעמוד מאפרים.

¹³³ Cf. Du Mesnil, Plate XXIII.

However, they failed to lay their finger upon the Biblical scene the painter had in mind, and consequently were unable to grasp the meaning of the composition as a whole. According to Du Mesnil, although the sketch shows only eleven persons, the symmetry requires twelve figures so that they represent the twelve tribes. The painter, continues Du Mesnil, put Moses in the midst of the twelve tribes, and he might have been inspired by the scene described in Ex. 18.13-16: "And it came to pass on the morrow that Moses sat to judge the people . . ." Ingenious as this interpretation may appear, it is hardly satisfactory. The scene described in Ex. 18 has never played such an important role as to justify its choice for a picture whose purpose was the "Apotheosis of Moses." The truth of the matter is that the central panel in the lower zone offers the best clue to the interpretation of the central panel in Register A. Since the central panel in Register B depicts "Jacob's blessing" as a supplement to the contiguous Jacob portrait, it is reasonable to identify the central panel of Register A with the "Blessing of Moses" (Deut. 33), which is but another version of "Jacob's blessing," as supplement to the contiguous Moses portraits. This explains in the first place the asymmetrical number eleven in Du Mesnil's sketch, because actually only eleven tribes are mentioned in the "Blessing of Moses;" Simeon, as is well known, being omitted. It explains further the surprising fact that Moses appears here in royal garments, while in all other panels he wears white robes. We mentioned above a Midrashic statement that besides the "crown of Torah" Moses acquired also the priesthood and the *kingdom*. His acquisition of the kingdom is derived from Deut. 33.5 *ויהי בישרון מלך* which is rendered in the Targum: "And he (Moses) was a king in Jeshurun."¹³⁴ In depicting the scene of the "Blessing of Moses" in which Moses is alluded to as "king," the painter thought it proper to show him clad in a royal purple garment (Fig. 17).

All of this shows the painter's skill with which he contrived to preserve the original concept of the central area which was that of the "crown of kingdom."

¹³⁴ Ex. R. 2:6 (quoted above, note 21): *מלכות, דכתיב ויהי בישרון מלך*.



18. NICHE AND ENTABLATURE

IX

NICHE

ר' ברכיה בשם ר' חלבו אמר, עד שהוא שלם עשה לו
 הקב"ה סוכה והיה מתפלל בתוכה . . . ומה היה אומר:
 יהי רצון שאראה בבנין ביתי

A few remarks about the paintings of the entablature of the *aedicula* (above the Torah shrine).

These paintings are generally considered the earliest pictorial representations of the synagogue. They are more primitive than even the original central panel, and consist almost exclusively of

symbolic elements; there are neither narratives nor portraits in the strict sense of these terms. In addition, they show a technique and style quite different from that of the other paintings.

The whole composition is very simple. In the center we have a stylized picture of the Solomonic temple which represents at the same time the Ark of Covenant and the Torah shrine. Left to the center there is a gigantic seven armed Menorah as well as an *Ethrog* and a *Lulab* between the base of the Menorah and its branches. Right of the center we see the representation of the sacrifice of Abraham designed in a peculiar manner, and Rostovtzeff is entirely right when he asserts that the composition is rather a mere symbol than a realistic illustration of the Biblical story.¹³⁵

The ornaments described above are familiar Jewish symbols and offer no problem of identification and interpretation. The question however arises whether the purpose and intent of these symbolic paintings was entirely different from that of the later compositions. More precisely: shall we assume that the leading theme of the later paintings, the triad of Torah-priest-hood-kingdom, remained alien to the scheme of the ornamentation of the entablature, or is it possible to bring also the later into the frame of our triad motif?

Now it seems to us that if we assume that the paintings as a whole were designed according to a well-considered plan, outlined by a learned designer, under instructions from a higher authority, and we thereby keep in mind that the whole work was completed within a short time, a few years at the most, it is unlikely that any essential change in conception could have taken place. Great as the differences in style may appear, they need not necessarily mean any oscillation in the theme to be expressed. The differences are most probably best explained when conceived as various attempts to represent the same idea by different means of expression, such as mere symbols, portraits, and narratives.

We therefore venture to suggest that the paintings of the entablature above the niche are the first attempt to express in the form of symbols the same triad motif which constitutes the

¹³⁵ Kraeling, p. 35 (343); Du Mesnil, p. 19-27 (No. 1), Plate XIII, 2.

core of the portraits and scenes of the later wall paintings. Now the artist encountered no difficulty in finding the appropriate adequate symbols for Torah and priesthood. He had at his disposal the very familiar Torah shrine and the Menorah which he did not hesitate to use. Much more difficult was it for him to find a transparent symbol for "kingdom" without rousing the suspicion of the Roman authorities, a difficulty which, as we have seen, contributed to the obliteration of the original central painting.

What was the current symbol of kingdom at that time? We pointed out above that consequent to the proclamation of Philip the Arab of Bostra as Roman emperor (242), the messianic hopes of the Jews focused upon the prophecy in Isa. 34.6: "For the Lord has a sacrifice in *Bozrah* and a great slaughter in *Edom*." Since the beginning of this prophecy reads: "The sword of the Lord filled with blood etc.," the "sword of the Lord" and "the Lord's sacrifice in Bozrah" became the favorite symbols of the messianic kingdom. However, an outspoken symbol of this kind could hardly be used by the artist without incurring the wrath and punishment of the Roman officials. The artist was compelled to think out ingenious devices consisting in the illustration of certain innocent Biblical stories in which the act of sacrifice is performed and which offered him the opportunity to depict a sword as the symbol of "the sword of the Lord" who "has a sacrifice in Bozrah etc." The familiar story of the sacrifice of Abraham recommended itself for this purpose.

Seen from this perspective all the peculiarities of the scene of the sacrifice find their satisfactory explanation. In the first place it should be noted that the three main elements of the story: Abraham, Isaac and the ram, are arranged in a vertical rather than in the usual horizontal direction.¹³⁶ At the bottom to the left are the ram and the bush in which it is caught. On a somewhat higher level to the right, we see Abraham holding, in his outstretched right hand, a gigantic two-edged sword in a vertical position. On a still higher level, we see Isaac lying on

¹³⁶ Cf., for instance, the representation of Abraham's sacrifice in the synagogue in Beth Alpha (Sukenik, *Ancient Synagogues . . .*).

the altar. Above him the hand of the Shechinah (?) appears from the sky. Opposite the hand to the right, there is a conical tent in the door of which stands a small figure.

One cannot fail to realize that the center of the scene to the right is occupied by Abraham's hand with the gigantic sword held in a vertical position almost completely detached from the altar and Isaac, so as to attract the attention of the observer for its own sake, namely as the symbol of the "sword of the Lord" drawn against Bozrah (Bostra) and Edom (Rome).

Furthermore, Abraham is shown from the rear. The usual explanation is that the painter first shunned the representation of human faces.¹³⁷ However, I doubt whether a change in attitude toward painting human faces could have taken place in such a short time, *viz.* in the course of the execution of the paintings. From our point of view, the painter had another reason to show us only the back of Abraham. He contrived to allude to the esoteric-symbolic sense of the story, namely "the sword of the Lord." In this sense obviously the Lord is to be substituted for Abraham.^{137a} And it is because of this hinted substitution that the painter avoided a frontal picture in conformity with the verse: "*And thou shalt see My back; but My face shall not be seen* (Ex. 33.23)."

What about the *ram* on the lowest level to the left? We dare surmise that the ram was likewise used symbolically by the painter; its meaning was also determined in connection with the prophecy of Isa. 34 mentioned above. Indeed, there we read: "The sword of the Lord . . . is made fat . . . with the fat of the *kidneys of rams*." In the Jewish perspective of the third century the *rams* here were but the princes of Edom (Rome). Having this verse in mind, the artist could easily refer to Edom Gen.

¹³⁷ Cf. Du Mesnil, p. 23-24, note 1.

^{137a} The representation of the "Holy One, blessed be He" in the form of a human figure may appear very hazardous to us but seems to have been a familiar feature to R. Abbahu, a pupil of R. Johanan. So, for instance, he does not hesitate to interpret the vision of an "old man wrapped in white garments" seen by Simon the Pious in the Sanctuary, as the presence of the "Holy One, blessed be He" (TP. Yoma V, 4: אמר להון . . . אבהו . . . אמר להון קב"ה ה' ה' מ.א.מ.ר ל' דהוה בר נש, אני אומר ה' קב"ה ה' ה').

22.13: "And Abraham went and *took the ram*, and offered him up for a burnt-offering in the stead of his son." At first it may appear strange that the Jews might have conceived Edom (Rome) as a burnt-offering. Yet this conception is borne out by the Midrashic interpretation of Lev. 6.2: "This is the law of the burnt-offering: it is that which goes up on its fire-wood upon the altar etc." According to the Midrash, this verse refers to the "wicked kingdom" which will be devoured by fire.¹³⁸ Another reflection of this concept is the following Midrash: "The Lord condemned the fourth kingdom (Rome) that it shall bring its own wood to be burnt in it for ever." Obviously the underlying image of this Midrash is the story of Isaac carrying the wood on which he himself was to be sacrificed.

Finally it may be noted that the concept of Edom destined for a burnt-offering is homiletically derived from Isa. 34.10: "The smoke thereof *shall go up for ever*," which is linked with Lev. 6.6: "Fire *shall be kept burning upon the altar for ever* (continually)." In view of the fact that Isa. 34 formed the center of gravity of the messianic expectations of that time, one can easily see how familiar the image of Edom slaughtered by the "sword of the Lord" and then burnt as a holocaust ('*Olah*) must have been to the congregants of Dura. A skilful arrangement of the elements of the apparently inoffensive scene of the sacrifice of Abraham could therefore be used as symbol of the fall of the Roman Empire and the restoration of the Jewish kingdom.

We shall now consider the meaning of the conic tent (tabernacle) with the small figure in the door. Du Mesnil identifies the figure with Abraham and sees in the tent an allusion to a certain Arabic legend about Abraham's dwelling-place.¹³⁹ Du Mesnil is certainly right in asserting that the artist was inspired by a legendary, or rather a homiletical, addition to the Biblical story. Yet this addition is not to be looked for in some late and obscure Arabic legend, but in an aggadic saying of a contemporary Jewish scholar and preacher. In a homiletical comment on Gen. 22.14: "And Abraham called the name of that place *Adonai*

¹³⁸ Tanh., ed. Buber, Zav, VII: הוא העולה על מוקדה, זו מלכות הרשעה שעילתה עוצמה.

¹³⁹ Du Mesnil, p. 24-27, comments on this detail exhaustively.

Jireh," R. Hēlbo (second half of the third century) states that the same place was called by Shem *Salem* which, combined with *Jireh*, gave origin to the name *Jerusalem*. He then adds: "As long as it was called *Salem* the Holy One, blessed be He, had His (temporary) *Sukkah* (pavilion-tabernacle) there, but later He established there His permanent dwelling-place, as is said: in Salem is set His *Sukkah*, and His dwelling-place in Zion."¹⁴⁰ The conic tent in our picture represents, in all likelihood, exactly that *Sukkah* of the Holy One, the temporary and preparatory stage of His permanent dwelling-place in Zion. This explains the green color of the tent which Du Mesnil finds somewhat strange and at variance with the general pattern of representing tents. The artist, obviously, endeavored to allude to a *Sukkah*, not an *Ohel*, and he probably had in mind Neh. 8.15 which reads: "Go forth unto the mount, and fetch olive branches . . . to make *Sukkoth* (booths)." Hence the green color of olive branches.

As to the person standing in the door of the pavilion-tabernacle, Du Mesnil's identification with Abraham satisfies only the *Peshat*, the plain, superficial meaning of the picture. However, the artist contrived to direct our attention toward the esoteric meaning of the figure. As in the picture of Abraham with the sword, here too Abraham is shown from the back in order to indicate that there is a hint of the "heavenly tabernacle," in which the Holy One, *whose face cannot be seen*, prays for the building of His permanent sanctuary in Zion.

The whole impact of this Aggada and its pertinence in our composition emerges when we follow R. Hēlbo in his imaginary world. Indeed, he considers the *Sukkah*, the conic tent, as the prayer-place of the Holy One whose prayer reads: "May it be My will that I shall see the building of My house," *i. e.* My permanent sanctuary in Jerusalem. There certainly could have been no more appropriate motto for a synagogue in the diaspora, "a little (temporary) sanctuary," like the temporary *Sukkah* of the Holy One in Salem, than the prayer mentioned above: "May

¹⁴⁰ Gen. R. 56:10: ר' ברכיה בשם ר' חלבו אמר עד שהוא שלם עשה לו הקב"ה סוכה ויהיה מחפלל בתוכה, שנ' ויהי בשלם סוכו ומעונתו בציון, ומה היה אומר? יהי רצון שאראה בבנין ביתי. That the Holy One, blessed be He, prays is stated also by R. Johanan (Ber. 7a): אמר ר' יוחנן מנין להקב"ה מתפלל, שנאמר ושמחתם בבית תפילתי.

it be Thy will that we shall see the building of Thy house," which actually formed the concluding prayer of the synagogal service.

It goes without saying that the imagery of R. Helbo is based upon Philo's Neo-Platonic doctrine of the "Heavenly Sanctuary" as the idea and pattern of the sanctuary on earth. It explains the prominent place occupied by the pavilion, namely on the same level with the Divine Hand. The place was purposely chosen in order to indicate that both the hand and the pavilion belong to the same heavenly sphere, to the world of ideas. The concept of the heavenly sanctuary, although rejected by authoritative Judaism after it was seized by Christian apologetes, remained nevertheless familiar among the popular preachers, especially in Babylonia where the influence of Christian polemics was insignificant.¹⁴¹

To the "heavenly sanctuary," we are lead also by Isaac's peculiar position; he is placed, as mentioned above, on an altar of enormous proportions, so that Abraham and his sword remain considerably lower and distant from Isaac. This is against the general artistic pattern which shows the sword over the head or over the throat of Isaac. On closer observation, we realize that Isaac is located at the same level as the conic tent, the Sukkah. If our supposition be correct, and the conic tent alludes to the "heavenly sanctuary," it stands to reason that Isaac's position on the same level was also meant to direct our mind toward the "heavenly altar" rather than to give a realistic illustration of the Biblical text. As matter of fact, according to the Midrash on Gen. 22.9: "And Abraham bound Isaac his son, and laid him on the altar *upon (mima'al)* the wood," is linked with Isa. 6.2: "Seraphim stood *above (mima'al)* Him," and indicates that the altar was erected to correspond with the "throne of glory;" in other words the term "*mima'al*" alludes to the "heavenly altar."¹⁴²

¹⁴¹ Cf. Lauterbach, quoted above, note 123.

¹⁴² Yalkut S., on Gen. 9:22, I, #101: מהו ממעל? מלמד שעשה את המזבח מכון כד' שרפים עומדים ממעל לו.

THE SIGNIFICANCE OF MIRACLES FOR TALMUDIC JUDAISM

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CLARENCE Tucker Graig, in his recent book, "The Beginning of Christianity" stresses the paramount importance of miracles for early Christianity. "The beginning of the Christian church was marked by miracles and wonders and signs. This is the uniform testimony of our early sources." "It was impossible for early Christians to proclaim their faith without the use of miracle stories." "Early Christianity was an age of miracles."¹

Craig is not the first scholar to call attention to the fundamental significance of the miracle for early Christianity.² We refer to him to emphasize that the view as to the importance of the miracles in early Christianity is by no means an obsolete one, and because he bases his conclusions upon a rich source material.

To avoid any misunderstanding, it should be stressed that when speaking of the importance of miracles for early Christianity, we particularly refer to the role the miracles played as a means in influencing people to join the new sect, out of which Christianity later evolved. In other words, we refer to the miracle as a tool of propaganda. It was, as Craig and others proved, a most effective tool; and it had decisive influence upon the growth, and I venture to maintain, even the very *persistence* of Christianity.

¹ Chapter XIII. *The Wonders of the New Age*, pp. 179, 185, 186. Cf. also *New Testament Life and Literature* by D. W. Riddle and H. H. Hutson, (Chicago 1946) p. 103 "Miraculous and curative powers were common manifestations for first century Gentiles."

² Cf. for example K. L. Schmidt in *RGK* III, 143 "die ganze damalige Zeit war des Wunders voll." Jewish scholars agree with their Christian colleagues in recognizing the fundamental importance of miracles for early Christianity, cf. J. Klausner *ישו הנוצרי*, ספר רביעי. חלל פעולתו של ישו.

What was the attitude of contemporaneous Judaism toward miracles? What was its significance, its place in Pharisaic Judaism, its influence (if any) in molding further developments in Jewish thought? What position did the responsible leaders and teachers of the Jewish community take regarding miracles?

There has been hardly any study on the significance of miracles in Judaism of the Talmudic period.³ This essay will endeavor to contribute toward the study of this problem in so far as it concerned Talmudic Judaism. Not all aspects of the miracle shall be discussed here. Only those of significance for molding religious practice and belief shall be investigated. We shall omit, for instance, the purely aggadic or literary aspects of the problem.

Before proceeding with our investigation, let us briefly define the Talmudic concept of the miracle. The Talmud itself gives us no explicit definition of a miracle. If, however, we examine the phenomena which the authorities of the Talmudic period call miracles, we find that they included all the categories that were considered to be miracles in previous times and were designated as such in Biblical and extra-canonical literature. That is to say that not merely supernatural or inexplicable phenomena were considered miracles, but also certain natural and explicable ones as well; so long as they involved something unusual or spectacular. Take for example the following instance:

Ned. 41a: וא"ר אלכסנדר ר' א"ר חייא בר אבא גדול נס שנעשה לחולה "R. Alexandri also said in the name of R. Ḥiyya b. Abba: Greater is the miracle wrought for the sick than for Hananiah, Mishael and Azariah."

Ber. 54a: והוא נברא . . . נפל עליה אריא אתעביד ליה ניסא ואיתצל "A certain man . . . had been attacked by a lion. A miracle was wrought for him, and he escaped" etc.

³ P. Fiebig's: *"Jüdische Wundergeschichten des neutestamentlichen Zeitalters"* (Tübingen, 1911) deals with the miracles recorded in the Jewish literature of the NT age from the viewpoint of their significance for the New Testament. A. Schlatter's apologetical rejoinder: *Die Gemeinde in der apostolischen Zeit und im Missionsgebiet. Das Wunder in der Synagoge*: (Gütersloh, 1912) stresses the insignificance of these miracles for the NT. (None of these works discuss the significance of the miracles for Judaism.)

The view of R. Hiyya b. Abba (Ned. 41a) according to which the healing of the sick is a greater miracle than the one that happened to Hananiah, Mishael and Azariah, represents an extreme opinion, overemphasizing the "miracles" in ordinary life.

We need not cite at this point examples of the supernatural miracle. The majority of miracles transmitted to Talmudic literature belong to this category. Later we shall deal with them so far as they are within the scope of our essay.

The accord between the Talmudic concept of miracle and that of the Bible was likewise maintained in the following regard. Both literatures include the opinion that the effect achieved by witchcraft or sorcery may be the same as that achieved by a genuine miracle. As a parallel to the "signs" of Moses which were duplicated by the Egyptian sorcerers through their "secret arts," let us refer to Giṭ. 45a: בנחיה דרב נחמן בחשן קדרא בידיהו וכו': "The daughters of R. Naḥman used to stir a cauldron with their hands when it was boiling hot" (this was considered first a miracle because they did not scald their hands) . . . "When they returned, he (R. Ilish a man who observed their intention to sin) said, they stirred the cauldron by witchcraft" (i. e. the daughters of R. Naḥman were unworthy of a miracle, therefore there could not have been a miracle).

Here the phenomenon that was considered at first to be a miracle was later declared to be effected by witchcraft. This case and similar instances indicate that miraculous phenomena were not to be considered miracles if they were effected by witchcraft, sorcery, or magic.

But what are the criteria for genuine miracles? Here again no direct answer is given in the Talmud. According to Talmudic theology, in its representative utterances, miracles must be deeds of God, even though they may be apparently performed by man.

Indications to this effect are numerous. Let us point to a definite statement:

Ber. 50a: אמר ליה רב אחא בריה דרבא לרב אשי והא אמרין למי שיעשה לאבותינו ולנו כל הנסים האלו א"ל התם מוכחא מילתא מאן עביד ניסי "Rab Aḥa the son of Raba said to R. Ashi: But we say 'to the One who wrought all these miracles for our fathers

and for us'? He replied: There the matter is clear, because who is the (only) one doing miracles? The Holy One, blessed be He."

This reference shows that the Talmudic view on this matter agrees with Christian dogma.⁴

Other qualities and characteristics of the miracle will be discussed in another connection.

THE ROLE OF THE MIRACLE IN MOLDING PRACTICE AND BELIEF

Miracles are not all of equal quality. Some are of a higher, some of a lower degree.⁵

Divine revelation⁶ constituted, according to the unanimous testimony of the Bible and the Talmud, the most important type of miracle in Biblical times. All ancient sources, Biblical and Talmudic, agree that with the exception of a few revelations, which had occurred in public, all had been made privately to individual men, particularly to the prophets. These prophets then spread the contents of the revelations abroad, as they were commanded.

Since the postbiblical miracles followed the pattern of the older miracles, particularly those of the Bible, our investigation will begin with the attempt to clarify the position which revelation, the most important type of miracle in Biblical times, occupied in Talmudic times.

The paramount importance and effectiveness of revelation for the success of early Christianity is well known.

The usual way of influencing people through revelation was similar to that of the Bible. The leaders of Christianity, especially the Apostles, proclaimed that they had received revelations regarding the particular matter which they were expounding.

Reports on revelations to the masses, however, are rare.

⁴ Cf. Joh. Wendland in *RGG V*, 2046, "Dogmatisch: Zum Begriff des Wunders gehört stets: Es ist ein Ereignis, welches Gott wirkt."

⁵ Cf. B. M. 106a נִסָּא רַבָּא "great miracle" — נִסָּא זוּטָא "minor miracle."

⁶ Cf. Tillich, *RGG IV*, 669 "Geheimnis, Wunder und Offenbarung sind Korrelatbegriffe."

What was the significance of revelation, if any, in contemporaneous Pharisaic Judaism?

The Talmud recognizes the continuance of revelation in its own time. It emphasizes, however, the inferior quality of the post-prophetic revelation: Tosephta Sot. 13, 27 (318): משמת חגי וזכריה ומלאכי נביאים האחרונים פסקה רוח הקדש מִישראל ואף על פי כן "After the death of Haggai, Zechariah and Malachi, the last Prophets, the Holy Spirit ceased from Israel; nevertheless they were spoken to through the *Bat Kōl*."

We do not wish to discuss here the concept of *Bat Kōl* in detail. This has been done most excellently by Ludwig Blau.⁸

We are interested here primarily in its role as an active agent affecting practice and belief. In Talmudic times, *Bat Kōl* was the principal type of post-prophetic revelation, though its frequent occurrence throughout the Biblical epoch had been alleged by tradition.⁹

In relation to the *Halaka*, *Bat Kōl* occurs in the following places:

1) Tosephta Neziruth I, 1 (283) repeated in Yeb. 122a and in Yer. Naz. 51b: 'בית שמאי אומ' אין מעידין על בת קול ובית הלל אומ' מעידין על בת קול. מעשה באחד שעמד על ראש ההר ואמר איש פלוני בן פלוני ממקום פלוני מת הלכו ולא מצאו שם אדם והשיאו את אשתו. ושוב מעשה בצלמון באחד שאמר אני איש פלוני בן איש פלוני נשכני נחש והרי אני מת והלכו ולא אשתו. "Beth Shammai holds that no testimony based on the *Bat Kōl* be admitted, Beth Hillel, however, admits it. Once a man stood on the top of a hill and called out 'such-a-one, the son of such-a-one, from such-a-place is dead'; and although when they went they found no man there, they permitted his wife to remarry. — It once happened, further, at Zalmon that a man called out, 'A serpent has bitten me, such-a-one, the son of such-a-one, and I am dying,' and although when they went there they did not recognize him, they permitted his wife to remarry."

Beth Shammai rejects testimony which is based upon the

⁷ Cf. the parallels in Yoma 9b, Sot. 48b, San. 11a; Yer. Sot. 24b which read משמיעין "they make use of" in place of משמעין "they are spoken to."

⁸ JE II. 588 ff.

⁹ *Ibid.* p. 589.

message of a *Bat Kōl* i. e. if a witness testifies that a *Bat Kōl* revealed to him a fact, his testimony is invalid. (It is generally assumed that this refers only to a case involving the establishment of the death of a married man.) *Beth Hillel*, however, would accept such testimony.

2) Mishna Yeb. XVI, 6—Tos. XIV, 7 (259): ומשיאין על פי בת: קול “(Re)marriage is to be permitted on the basis of a *Bat Kōl*.”

The anonymous presentation of Hillel's view shows that this view was accepted as *Halaka*. A *Bat Kōl* was admitted as evidence sufficient to establish the death of a man and to grant permission to his widow to remarry.

Unless we keep in mind that *Bat Kōl* designates a variety of notions, it would be impossible to determine its place in the development of the postbiblical conception of revelation. These varieties are not always but gradations of the same general concept as it gradually evolved in the Talmudic period. The original designation was certainly *קול מן השמים* “A voice from Heaven.” The addition of the modifying word has as yet not been explained satisfactorily. It doubtless denotes a decline in quality. This decline continued until *Bat Kōl* entirely lost its miraculous connotation and became used thenceforth to denote an echo or a human voice.¹⁰

What is the situation in M. Yeb. XVI, 6?

This passage is composed of 3 parts: a) the anonymous *Halaka*, b) the first occurrence of the Mishnah, c) the second occurrence of the Mishnah, corresponding in principle to the occurrence in the Tosephta. The anonymous *Halaka* is independent of the various occurrences which follow it. This is evident because it merely represents a part of a previous discussion, (cf. above under 1) where no incidents are mentioned. Had the occurrences been known at the time of the discussion, they probably would have been referred to in support of *Beth Hillel*'s view, a method so often used in Tannaitic controversies.

¹⁰ Or its Aramaic equivalent as given in Dan. 4.28. (קל מן שמיא (נפל), possibly קול alone; cf. Josephus, Ant. XIII-10,3 uses φωνή whereas its parallel in p. Sot. 24b has בת קול Tos. XIII, 5 (319) omits an explicit reference to a voice.

¹¹ See below p. 391.

The first occurrence in our Mishnah is somewhat ambiguous. The fact that no one was found on the mountain after the words were heard may mean that a supernatural voice spoke; but it may also mean that someone may have been there and departed while the others tried to reach him.

Should the latter be the case, it is hard to understand why the wife was permitted to remarry. The fact that a man announced his own death and then left the scene could hardly be recognized as sufficient evidence to establish that he was dead.

In the second occurrence the *Bat Kōl* is a human voice. In reality, it is no more than "*Kōl*." The reason for the (implicite) designation *Bat Kōl* in this case will be discussed later.

3) Tosephta Sheb. III, 8 (450): **והוא עד לא עד מפי עד ולא מפי** (i. e.) not a witness who heard it from a witness, and not one who heard it from *Bat Kōl*.

According to the above passage, information received through a *Bat Kōl* is rejected as testimony, as are secondary sources. The Mishnah has no explicit parallel to the above Tos. passage, although the admission of the *Bat Kōl* in one particular case (see above) implies its invalidation in all other instances. The rejection of the *Bat Kōl* proves that, at one time, it was a controversial issue, though its opponents ultimately prevailed. Tos. Nezirut I: 1, prompts the conjecture that Beth Hillel might have admitted a *Bat Kōl* under other circumstances too and not merely in the case of '*Edut Ishak*' testimony regarding a married man's death. Neither the controversy nor the context indicates clearly that this case is an exception. It should be noted, however, that the passage was always understood as only referring to the special case.

4) Yer. Yeb. I (6-end); 3b.¹² **אלא או כדברי בית שמאי כקוליהם** (דא תימר עד שלא וכחומריהן. או כדברי בית הלל כקוליהם וכחומריהן) **הדא תימר עד שלא יצאת בת קול. אבל משיצאת בת קול לעולם הלכה כדברי בית הלל. וכל העובר על דברי בית הלל חייב מיתה. תני יצאת בת קול ואמרה אלו ואלו דברי אלהים חיים הם אבל הלכה כב"ה לעולם. באיכא יצאת בת קול. רב ביבי**

¹² Parallels Yer. Ber. 3b; p. Sot. III, 19a; Yer. Kīd. I 58d like Yeb.-Erub. 6b, 13b includes reference to the three years' duration of the struggle; R. H. 14b; Hul. 43a.

... בשם ר"י אמר ביבנה יצאת בת קול. "But one should follow either Beth Shammai in both their strict *and* rigorous laws or Beth Hillel in both their strict *and* rigorous laws). This refers to the time prior to the *Bat Kōl*. But after the *Bat Kōl* sounded, the Halaka always follows Beth Hillel, and everybody transgressing the words of Beth Hillel, is deserving of death."

It was taught (in a Baraitha): "A *Bat Kōl* came forth and said, 'Both are the words of the living God, but the Halaka is always in accordance with Beth Hillel!' Where did this *Bat Kōl* come forth? R. Bibi said in the name of R. Johanan: 'in Jabne.' " The preceding section indicates that important matters (*Mamzeruth*) had been discussed, when probably as a final determining factor, a *Bat Kōl* was referred to.

The sources under 4) are of particular interest because they reveal that:

a) The *Bat Kōl* entered the realm of *Halaka* successfully in deciding a basic and most consequential matter, i. e. that Beth Hillel should prevail over Beth Shammai, regardless of the merit of the individual case.¹³

b) Rabbi Johanan relates that the *Bat Kōl* was heard at Jamnia. R. Johanan, as we know, possessed reliable and invaluable traditions regarding the Tannaitic period.¹⁴

The time of the occurrence of this *Bat Kōl* is not given. The fact that it was heard at Jamnia points to a period when Jamnia was the seat of the principal Beth Din. But this is a rather long period, which begins with the destruction of the Temple after 71 C.E.

It is generally assumed that the above incident took place under R. Gamliel II who labored so much to save the unity of the Jewish Community. This theory, though plausible, does not permit a more exact dating. It merely indicates that the *terminus ad quem* was the period prior to Hadrian's reign, i. e. prior to

¹³ Michael Guttman, *Zur Einleitung in die Halacha* p. 41, Note 1 shows that לעולם "always" is a later addition, made at the time when the basic decision favoring Beth Hillel, was made. As a consequence, exceptions must have been again admitted at a later time when the heat of the struggle had subsided. The exceptional decisions reached prior to the basic decision were probably not revoked.

¹⁴ See particularly San. 86a. Cf. Hyman תולדות תנאים ואמוראים II. 658 f.

117 C.E. Since R. Gamliel's name is not mentioned in the historical references of that period, it is assumed that he had already died.

The following facts permit us to conclude that the above incident could not have occurred very long after the year 70 C.E.

1) Only few of the Beth Shammai-Beth Hillel controversies refer evidently to the time after the destruction of the Temple.¹⁵ Most of them obviously originated at the time of the Temple.

2) R. Eliezer and R. Joshua, sages of the second Tannaitic generation (i. e. their *principal* activity dates of the time 90-130) disagree on the interpretation of a controversy between Beth Shammai and Beth Hillel, indicating that these schools no longer existed.¹⁶ Had they existed, there would be no place for such a discussion. We observe¹⁷ that interpretation of controversies, particularly those introduced by *על מה נחלקו* . . . *לא נחלקו*, as in our case, refer to controversies of previous generations. This shows that, by the time this controversy occurred, Beth Hillel and Beth Shammai had not existed for some time, for otherwise it would have been easy to establish their true intentions by questioning one or another of the surviving sages of these schools.

The still persisting view that Beth Shammai and Beth Hillel continued their existence until the Bar Kokba uprising cannot be maintained in the light of the facts cited. The first modern scholar to claim that Beth Shammai and Beth Hillel were active till the "war of Bethar" was Z. Frankel. He voices this view in his *Darkhe ha-Mishnah*, p. 45-46, and as evidence refers to the chapter on R. Joshua, *ibid.* Yet in this chapter no evidence, deserving the name, can be found. His reference can be associated with but the following passages.

a) P. 90 Frankel states that the excommunication of R. Eliezer terminated the existence of Beth Shammai, and the demotion of R. Gamliel II, that of Beth Hillel.

¹⁵ Cf. Z. Frankel, *דרכי המשנה* p. 54: only two controversies originate explicitly in the time after the destruction of the Temple.

¹⁶ Tos. Peah III, 2 (21) (Cf. Mishna *ibid.* VI, 2)

¹⁷ A. Guttman, *Das redaktionelle und sachliche Verhältnis zwischen Mishna und Tosephta*, p. 138 ff.

This statement is not warranted in view of the inadequate evidence Frankel was able to marshal. Even if we could admit that he proved that R. Eliezer was a Shammaite, this would not mean that the House of Shammai existed as long as R. Eliezer lived.

b) P. 89 Frankel refers to Hag. 22b: תניא א"ר יהושע בושני מדבריהם ב"ש אפשר אשה לשה בעריבה אשה ועריבה טמאין שבעה ובצק טהור וכו' נטפל לו תלמיד אחד מתלמידי ב"ש אמר לו אומר לך טעמן של ב"ש אמר לו אמור אמר לו כלי טמא חוצץ או אינו חוצץ וכו' והוה טעמן של ב"ש מיד הלך ר' יהושע ונשתטח על קברי ב"ש אמר נעניתי לכם עצמות ב"ש ומה סתומות שלכם כך מפורשות על אחת כמה וכמה אמרו כל ימיו הושחרו שיניו מפני העניותיו "It is taught: R. Joshua said: 'I am ashamed of your words, O Beth Shammai! Is it possible that if a woman kneads in a trough, the woman and the trough become unclean for seven days, but the dough remains clean?' etc. . . (Afterwards) one of the disciples of Beth Shammai joined him and said to him: 'I will tell thee the reason of Beth Shammai.' He replied, 'tell then!' He said to him . . . 'This is the reason of Beth Shammai.' Instantly R. Joshua went and prostrated himself upon the graves of Beth Shammai: 'If your unexplained teachings are so (good), how much more so your explained teachings!' It is said that all his days his teeth were black by reason of his fasts."

This incident cannot be accepted as evidence for the continued existence of the "Houses" until Bethar for the following reasons:

The passage does not indicate a specific date. R. Joshua, a Levite, was among the singers in the Temple.¹⁸ He describes a Sukkoth service he observed in the Temple.¹⁹ Right after the destruction of the Temple, he was among the outstanding disciples of Johanan ben Zakkai,²⁰ whom he helped to save from the beleaguered city.²¹ R. Joshua was evidently an adult and a scholar before the three year legal battle for the control of Judaism had been resolved by the *Bat Kōl* some time after the destruction of the Temple. This suggests the possibility that the

¹⁸ Sifre Num. 116; 'Arak. 11b.

¹⁹ Tos. Suk. IV, 5 (198); Suk. 53a.

= Abot II, 8.

²¹ Git. 56a.

conversation between R. Joshua and the Shammaite took place at a rather early date, perhaps before the *Bat Kōl* pronounced the decision in favor of Beth Hillel.

It is, however, more probable, that the incident occurred at a later time than that just suggested as a possibility, at a time after the termination of the rivalry between the two schools.

Beth Shammai might have continued as a sect whose views were ignored by authoritative Judaism (a phenomena not at all unusual at that period). Yet a close examination of the source in question suggests that the incident occurred after the School of Shammai completely disappeared and that the Shammaite was one of the survivors of individual followers of the no longer existing School of Shammai. The end of the incident is most revealing: R. Joshua did not go to the School of Shammai to make his apology but to the *graves* of its members, a fact which leads to the inference that the school itself did not exist at that time.

3) None of the accounts of the *Bat Kōl*'s decision in the Beth Hillel-Beth Shammai struggle records the opposition of R. Joshua, or of anyone else, to an interference by the *Bat Kōl*. All references with regard to R. Joshua's objection are conjectures of Amoraim,²² unquestionably inferred from the incident (s. below) in which R. Joshua emphatically rejects the *Bat Kōl*.

The absence of R. Joshua's objection to the *Bat Kōl* in the Beth Shammai-Beth Hillel showdown appears to be a further indication that this incident occurred at an early period in which R. Joshua might not yet have been a personality of outstanding importance, wherefore his opinion was not recorded.

Then too, he might not have had misgivings as to the *Bat Kōl* at that particular period.

We elaborated upon the above incident which dealt with the unique role of the *Bat Kōl* in settling the most important problem of Jewish unity at that time, because it might have had some bearing on the following, perplexing problem.

Considering the decisive role the *Bat Kōl* played in settling the most important Halakic divergencies of the period under

■ Ber. 51b-52a s. *ibid.* further references.

discussion, the question must be raised: Why did it fail to exert further influence upon the development of the Law?

The Talmud records a strange event unique in *Halakic* literature that may provide the key to this problem. The event has been preserved in both Talmudim in accounts differing from each other in many respects. Let us carefully examine the texts in order to establish a sound basis for the investigation of their content,

A) Yer. M. K. III, 1; 81cd:

- I בקשו לנדות את ר' ליעזר.
- 2 אמר אמרין מאן אזל מודע ליה. אנא אזל מודע ליה.
- 3 אתא לגבי א"ל רבי ר' חביריך מנדין לך.
- 4 נסתיה נפק ליה לברא אמר חרוביתא חרוביתא אין הלכה כדבריהם, איתעוקרין ולא איתעקרת. אין הלכה כדבריי איתעוקרין ואיתעקרת. אין הלכה כדבריה' חורין ולא חזרת. אין הלכה כדבריי חורין וחזרת.
- 5 כל הדין שבחא ולית הלכה כר' אליעזר. א"ר חנינה משנינה לא ניתנה אלא אחרי רבים להטות.
- 6 ולית ר' אלעזר ידע שאחרי רבים להטות לא הקפיד אלא על ידי ששרפו שהורתיו בפניו.
- 7 תמן תנינן חותכו חוליות ונתן חול בין חולייא לחולייא רבי ליעזר מטהר וחכמים מטמין זה תנורו של חכניי.
- 8a א"ר ירמיה חכך גדול נעשה באותו היום כל מקום שהיתה עינו של רבי ליעזר מבטת היה נשרף.
- 8b ולא עוד אלא אפילו חיטה אחת חצייה נשרף וחצייה לא נשרף.
- 9 והיו עמודי בית הוועד מרופפים. אמר להן ר' יהושע אם חברים מתלחמים אתם מה איכפת לכם.
- 10 ויצאה בת קול ואמרה הלכה כאליעזר בני.
- 11 א"ר יהושע לא בשמים היא.

- 1) "They wished to convey the ban pronounced against R. Eliezer.
- 2) "They said: 'Who should go and inform him?' R. Akiba said: 'I shall go and inform him.'
- 3) "He went to him and said: 'Master, your colleagues are excommunicating you.'
- 4) "He (R. Eliezer) took him outside and said: 'Carob tree, O carob tree, if the *Halaka* agrees with them, be thou uprooted.' It was not uprooted. (He then said) 'If the

Halaka agrees with me, be thou uprooted,' and it was uprooted. (He said) 'If the *Halaka* agrees with them, let the tree return' (to its original position). It did not return. (He then said) 'If the *Halaka* agrees with me, let it return'; and it did return.

- 5) "(Could R. Eliezer merit) all that praise without the *Halaka*'s being according him? R. Haninah said, 'Once it (the Torah) was given, the majority principle (Ex. 23.2) must be applied.'
- 6) "But did R. Eliezer not know that this principle had to be applied? He became insistent only because they burnt that which he declared clean in his presence.
- 7) "We learnt elsewhere.³³ 'If he cut it into separate tiles, placing sand between each tile: R. Eliezer declared it clean but the Sages declared it unclean.' And this was the oven of *Hakinai*.
- 8a) "R. Jeremiah said: 'Great was the calamity on that day, for everything upon which R. Eliezer cast his eyes was blighted.'
- 8b) "Moreover, even a single grain of wheat, half of it was blasted, while the other half was not.
- 9) "The pillars of the assembly house were quaking, R. Joshua said to them: 'When scholars dispute what concern is it of yours?'
- 10) "And a *Bat Kōl* came forth and said: 'the *Halaka* agrees with R. Eliezer, my son.'
- 11) "R. Joshua said: 'It is not in Heaven' (Deut. 30.12)."

B) b. Baba Meṣia 58b-59a:

1 תנן התם חתכו חוליות ונתן חול בין חוליא לחוליא ר"א מטהר וחכמים מטמאין

וזה הוא תנור של עכנאי

2 מאי עכנאי אמר רב יהודה אמר שמואל שהקיפו דברים כעכנא זו ושמאזהו

3a תנא באותו היום השיב רבי אליעזר כל תשובות שבעולם ולא קיבלו הימנו

3b ואמר להם הלא הלכה כמותי חרוב זה יוכיח נעקר חרוב ממקומו מאה אמה ואמרי לה ארבע מאות אמה אמרו לו אין מביאין ראיה מן החרוב

³³ Mishna Kelim V, 10; Eduy, VII, 7.

- 3c חזר ואמר להם אם הלכה כמותי אמת המים יוכיח חזרו אמת המים לאחוריהם
אמרו לו אין מביאין ראיה מאמת המים
- 3d חזר ואמר להם אם הלכה כמותי כותלי בית המדרש יוכיחו הטו כותלי בית
המדרש ליפול גער בהם רבי יהושע אמר להם אם תלמידי חכמים מנצחים
זה את זה בהלכה אתם מה טיבכם לא נפלו מפני כבודו של רבי יהושע
ולא זקפו מפני כבודו של ר"א ועדיין מטין ועומדין
- 3e חזר ואמר להם אם הלכה כמותי מן השמים יוכיחו יצאתה בת קול ואמרה
מה לכם אצל ר"א שהלכה כמותו בכ"מ
- 3f עמד רבי יהושע על רגליו ואמר לא בשמים היא
- 4 מאי לא בשמים היא אמר רבי ירמיה שכבר ניתנה תורה מהר סיני אין אנו
משגיחין בבת קול שכבר כתבת בהר סיני בתורה אחרי רבים להטות
- 5 אשכחיה רבי נתן לאלהיו א"ל מאי עביד קוב"ה בההיא שעתא א"ל קא חייך
ואמר נצחוני בני נצחוני בני
- 6a אמרו אותו היום הביאו כל שהרות שטיהר ר"א ושרפום בשר
- 6b ונמנו עליו וברכוהו
- 6c ואמרו מי ילך ויודיעו אמר להם ר"ע אני אלך שמא ילך אדם שאינו הנון
ויודיעו ונמצא מחריב את כל העולם כולו
- 6d מה עשה ר"ע לבש שחורים ונתעטף שחורים וישב לפניו ברחוק ארבע אמות
אמר לו ר"א עקיבא מה יום מיומים אמר לו רבי כמדומה לי שחברים
בדילים ממך
- 6e אף הוא קרע בגדיו וחלץ מנעליו ונשמש וישב על גבי קרקע זלגו עיניו
דמעות
- 6f לקה העולם שליש בזיתים ושליש בחטים ושליש בשעורים ויש אומרים אף
בצק שבידי אשה טפח
- 7 תנא אך גדול היה באותו היום שבכל מקום שנתן בו עיניו ר"א נשרף
- 8 ואף ר"ג היה בא בספינה עמד עליו נחשול לטבעו אמר כמדומה לי שאין
זה אלא בשביל ר"א בן הורקנוס עמד על רגליו ואמר רבונו של עולם גלוי
וידוע לפניך שלא לכבודי עשיתי ולא לכבוד בית אבא עשיתי אלא לכבודך
שלא ירבו מחלוקות בישראל נח הים מועפו
- 9 אימא שלום וכו'

1. "We learnt elsewhere:²³ If he cut it into separate tiles, placing sand between each tile: R. Eliezer declared it clean, and the Sages declared it unclean and this was the oven of Aknai.
2. "Why/the oven of/Aknai? — Said Rab Judah in Samuel's name: 'Because they encompassed it with arguments as a snake (*Akna*) and declared it unclean.'

- 3a. "It has been taught: 'On that day R. Eliezer brought forward every imaginable argument but they did not accept them.'
- 3b. "He said to them: 'If the *Halaka* agrees with me, let this carob tree prove it!' Thereupon the carob tree was torn a hundred cubits out of its place — others say four hundred cubits. 'No proof can be brought from a carob tree,' they replied.
- 3c. "Again he said to them: 'If the *Halaka* agrees with me, let the stream of water prove it!' Whereupon the stream of water flew backwards. 'No proof can be brought from the stream of water,' they replied.
- 3d. "Again he said to them: 'If the *Halaka* agrees with me, let the walls of the schoolhouse prove it,' Whereupon the walls inclined toward falling. But R. Joshua rebuked them saying: 'When scholars are engaged in a halakic dispute, what right have ye to interfere?' Hence they did not fall, in honor of R. Joshua nor did they resume the upright, in honor of R. Eliezer, and they are still standing thus inclined.
- 3e. "Again he said to them: 'If the *Halaka* agrees with me, let it be proved from Heaven!' Whereupon a *Bat Kōl* sounded and said 'Why do ye dispute with R. Eliezer, whereas the *Halaka* agrees with him in every instance.'
- 3f. "Then R. Joshua arose and said: 'It is not in Heaven' (Deut. 30.12).
4. "What did he mean by this? — Said R. Jeremiah: 'Since the Torah had already been given at Mt. Sinai, we pay no attention to a *Bal Kōl*, because thou hast long since written in the Torah at Mt. Sinai, 'After the majority must one incline.' (Ex. 23.2)
5. "R. Nathan met Elijah and asked him: 'What did the Holy one, Blessed be He, do in that hour?' He laughed and said: 'My sons have defeated me, my sons have defeated me.'
- 6a. "It was said: 'On that day everything that R. Eliezer had declared clean was brought and burnt in fire.'
- 6b. "Then they took a vote and excommunicated him.
- 6c. "Said they: 'Who shall go and inform him?' R. Akiba replied: 'I will go! lest an unworthy person go and inform him, and as a consequence, he would destroy the whole world.'

- 6d. "What did R. Akiba do? He donned black garments and wrapped himself in black, and sat at a distance of four cubits from him. R. Eliezer said to him: 'Akiba, what is this day different from other days?' He replied: 'Master, it appears to me that thy colleagues separate from thee.'
- 6e. "Thereupon he too rent his garments, put off his shoes, alighted (from his seat) and sat on the earth, whilst tears streamed from his eyes.
- 6f. "The world was smitten a third of the olive crop, a third of the wheat and a third of the barley crop. Some say even the dough in women's hands swelled up.
7. "A Tanna taught: 'Great was the calamity on that day, for everything at which R. Eliezer cast his eyes was burned up.'
8. "R. Gamliel too was travelling in a ship when a huge wave arose to drown him. He said: 'It appears to me that this is on account of none but R. Eliezer ben Hyrcanus.' Thereupon he arose and exclaimed: 'Sovereign of the Universe! Thou knowest full well that I have not acted for my honor, nor for the honor of my paternal house, but for Thine, so that differences may not multiply in Israel.' At that, the raging sea subsided.
9. "Imma Shalom etc."

The passage in the Palestinian Talmud consists of two main parts. The first part in Aramaic, the second in Hebrew. The two sections complement each other; they do not contradict one another. Chronologically, the second part comes first.

The original part in the given context is the first one. The entire section of the Talmud deals with the ban, and the first part of our passage starts appropriately with the words: "They wished to put R. Eliezer under a ban." The Aramaic language of this first section indicates that the event had been reported in connection with the proceeding section, which is naturally Aramaic and, on the whole, represents the paraphrase of a Baraitha.

The second part is undoubtedly a later addition from a source (possibly collection) in which both the Mishnah and the Baraitha in question were preserved, just as in the Babli passage, in order to supplement and integrate the report of this famous

occurrence. It represents, on the whole, a literal quotation of a Tannaitic source, as its Hebrew text shows.

The Babli passage is also not homogeneous. It consists of the following parts:

- 1) The Mishnah,
- 2) Etymology of עֲכָנָי by Rabbi Judah quoting Samuel,
- 3) The Baraitha itself,
- 4) R. Jeremiah's explanation of לֹא בַשְּׁמִים הִיא representing an interpolation,
- 5) Amoraic insertion,
- 6) Continuation of the Baraitha,
- 7) A Baraithic statement (from another version) related to p. 8a, indicating that R. Jeremiah is merely the transmitter of a Tannaitic etymology.

Comparative Analysis

The versions of the passage in the two Talmudim differ not merely in their wording but in many other respects. Let us review some of the more weighty divergences:

1) The sequence of each passage is essentially different in the following:

The חֲרוֹב incident is, in B., Rabbi Eliezer's first proof. It opens the series of miracles at the start of the controversy. In Yer., this proof was offered by R. Eliezer only *after* Akiba conveyed to him the decree of the ban, i. e. after R. Eliezer's controversy with the sages had been terminated. True, it is mentioned in Yer. also in first place, but this is only because the Yer. report commences with the ban.

The other inversions are of no such importance. For instance, Yer. 8a, b, are connected with the explanation of the name חֲכִנִּי. Hence they are attached thereto. The corresponding passages in Babli (7, 6f) are not presented in connection with the word עֲכָנָי. Hence they were not bound to follow 1. (2) Their place in Babli may even be the original place, since they are not here connected with any item that requires a specific location for them.

2) Yer. has fewer miracles, and even these are *less* miraculous:

a) Yer. does not have the "Stream of water" miracle (B.3c) at all.

b) Yer. 9 is almost no miracle, at least not necessarily a supernatural miracle, compared with the third in Babli.

c) Babli 7, נשרף seems to be a copyist's error, if not a wilful change in order to magnify the miracles. The original version is certainly נשרף²⁴ as in Yer. 8a, referring to שדפון a known plague of growing grain that may spread over wide areas, in contrast to a fire, the spreading of which over wide areas is less frequent and was probably considered more of a miracle.²⁵

Yer. does not even claim that miracles supported R. Eliezer's *halakic* view, except in these two instances: 9, 10.

In Yer. no reference is made to the effect that R. Eliezer *asked* for the miracles to support his view, save for the carob tree miracle that occurred *after* the conclusion of the discussion, when Akiba visited him in order to bring him the decision regarding the ban.

Spectacular is the similarity between the carob tree miracle, as presented in Yer. and the mysterious gathering of cucumbers. Let us take a glance at the references to the latter:

Mishnah San. VII, 11 reads: המכשף העושה מעשה חייב ולא האוחז את העינים רבי עקיבא אומר משום רבי יהושע שנים לוקטין קישואין אחד לוקט פטור ואחד לוקט חייב העושה מעשה חייב האוחז את העינים פטור "The sorcerer — he that performs some act — is culpable, and not he who (only) deceives the eye. R. Akiba in the name of R. Joshua says: 'If two were gathering cucumbers, one gatherer may not be culpable and the other gatherer may be culpable: he who performed the act (by sorcery) is culpable, but he who (only) deceived the eye is not culpable.' "

²⁴ It is interesting to note that while the ed. princeps of the Palestinian Talmud (Venice) has נשרף, its Krotoschin reprint (via Cracow ed.) obviously by copyist's error, renders instead נשרף Yer. 8.

²⁵ A corn-plague might have spread at or about the time of the controversy and have been ascribed to R. Eliezer's influence. Yer. 9 מרופפים does not necessarily refer to a miracle. It may mean some damage appeared on the pillars. It also may mean that they were shaken, for example, by storm or earthquake.

. . . פעם אחת אני והוא מהלכין היינו : A Baraitha in San. 68a reads: בדרך אמר לי רבי למדני בשמיעת קשואין אמרתי דבר אחד נתמלאה כל השדה קשואין אמר לי רבי למדנתי ושמיעתו למדנתי עקירתו אמרתי דבר אחד נתקבצו "Once I (R. Eliezer) and he (R. Akiba) were walking together on a road, when he said to me, 'My master, teach me about the planting of cucumbers.' I made one statement, and the whole field was filled with cucumbers. Then he said, 'Master, thou hast taught me how to plant them: Now teach me how to pluck them.' I said one word, and all the cucumbers gathered in one place."²⁶

Though, in the Mishnah, Akiba quotes the "cucumber" *Halaka* in the name of R. Joshua, Yer. Sanh. VII end (25d) shows that R. Joshua received it from R. Eliezer.

It is interesting to note that some of these "miracles" have parallels in the New Testament.

With the carob tree miracle, compare Luke 17.5, 6.

- (5) "And the apostles said unto the Lord, Increase our faith.
(6) "And the Lord said, if ye had faith as a grain of mustard seed, ye might say unto this sycamine tree, Be thou plucked up by the root, and be thou planted in the sea; and it should obey you."

With the wall miracle compare Acts 4.31:

"And when they had prayed, the place was shaken where they were assembled together."

With Babli 6f, the loss of one third of the olive crop etc., compare Revelation 8.7 ff.

With Babli 7b, the storm that threatened R. Gamliel, compare Matthew 8.23 ff.

What does the comparison teach us?

Complete accord between the two versions of the famous controversy exists, so far as the miracles are concerned, merely with regard to *Bat Kol*. The divergences as to the other miracles are of various types, some can be reconciled, others are irreconcilable. It would be mere conjecture to try to side with the one version or the other, or to establish the more exact original

²⁶ Cf. Tos. Sanh. XI, 5 (431); Abot de Rabbi Nathan 25 (81).

version. More important is it to establish a firm basis, i. e. the common ground of both versions.

What is common to both versions?

a) The *halakic* position of R. Eliezer and the sages, quoted from Mishnah Kelim V, 10. Eduy. VII 7.

b) Miracles entered the realm of *Halaka*.

c) They were rejected by the sages saying, they cannot interfere with the *halakic* discussion.

d) The *Bat Kol* was the concluding miracle. The rejection of this miracle terminated the controversy.

e) Then followed the decree banning R. Eliezer.

f) The principal opponent of R. Eliezer appears to have been R. Joshua, his mainopponent throughout the vast realm of *Halaka*.

Both versions agree that, upon the *Bat Kol*'s appearance (siding with R. Eliezer), it was R. Joshua who raised his voice against the *Bat Kol*. Besides R. Eliezer, the only Tanna mentioned in this controversy is R. Joshua. Both versions mention only R. Joshua as the sage who opposed the miracle of the wall. In supplementing these points, representing the common ground of both versions, we refer to some other details which, though given only in one version, are of some interest.

Although Rabban Gamliel is not mentioned in the discussion, he appears to be officially responsible for the ban, as indicated in B. 8. The omission of his name in both versions of the controversy may mean that he did not play in it as eminent a role as did R. Joshua or that he might even not have been present during the controversy. He might have attended the session subsequent to the controversy in which R. Eliezer's personality had been discussed and which resulted in the ban. Such a session must have preceded the ban, as indicated in B. 6b stating that the vote had been taken on the ban issue. It is safe to assume that a vote to ban such an outstanding personality would not have been called without prior discussion.

The sources do not reveal clearly the reason or reasons for R. Eliezer's ban.²⁷ This resulted in a great variety of scholarly

²⁷ Rabban Gamliel's qualifying statement B. M. 59a will be discussed further on.

conjectures almost unequalled in the treatment of any other obscure Talmudic problem. All scholars concede that R. Eliezer's disagreement with the sages alone cannot have been the reason for the ban. Such disagreements in *halakic* matters are numerous and carry no penalty for the individual sage opposing the majority opinion or tradition. This being the fact, the reason for the ban must be sought elsewhere. It is not my intention to review all the numerous attempts offered by the scholars as the solution of the problem. They mostly consider the famous citation as being merely the occasion, not the reason, for the ban. The reason has been sought and "found" elsewhere.

In my opinion, the first step toward a scientifically warranted solution must be a close examination of the citation itself. Only afterwards should outside material be examined.

In examining this citation, the question must be raised: What might have been considered by the sages to be so unusual in a *halakic* discussion providing sufficient ground for serious criticism?

The interference by miracles in favor of a *halakic* opinion is most unusual. But why should this have been considered objectionable in a miracle minded age, such as was the period of the resultant controversy? This question gains importance if we consider the following:

The concluding miracle of the dispute was the *Bat Kōl*. This is the only miracle concerning which both versions, B. and Yer., agree completely. It has here the meaning of Heaven's voice, i. e. revelation.

Yet, R. Joshua objected so strongly and so successfully that his objection terminated the dispute, deciding it against R. Eliezer. Then followed the unusual consequence of a lost dispute, the ban.

Considering the context, a basic principle of scholarly research, the ban must have had something to do with the preceding occurrence. The immediately preceding point in question was the *Bat Kōl*. Consequently, R. Eliezer's *Bat Kōl* proof must have had at least some influence upon the decision to put him under a ban. How weighty it was, is hard to decide. It may have been merely the last drop that filled the cup, but it may have been just as well the main reason for the ban.

Assuming the validity of our conclusion, the following question needs to be discussed:

What is the difference between this *Bat Kōl* and the *Bat Kōl* that was so successful in deciding a basic *halakic* issue, the controversies of Beth Shammai and Beth Hillel? One difference is obvious. In the latter case the *Bat Kōl* obviously supported the majority opinion, whereas in the former dispute the *Bat Kōl* ruled against the majority. Yet, if the *Bat Kōl* had once been admitted as evidence, it seems peculiar that, in another case, merely because it supported the view of an individual, its appearance should be taken as a serious offense committed by that individual.

Let us continue by examining some other circumstances. First, of all, what was the time of the two *Bat Kōls* in question?

The *Bat Kōl* in the case of the Beth Shammai-Beth Hillel controversies must have appeared at the time when these controversies had not yet been settled, i. e. during the first Tannaitic generation, between 70 and 90 C.E. (s. p. 371)

The *Bat Kōl* in the Aknai dispute made its appearance unquestionably during the second Tannaitic generation, as is indicated by the fact that R. Eliezer, R. Joshua, R. Gamliel II, R. Akiba, are outstanding Tannaim of the second generation. The absence of Beth Hillel and Beth Shammai, and the presence of the "Sages" in general should particularly be noted.²⁸ Though no exact date can be established for either *Bat Kōl*, the observation made that the first *Bat Kōl* appeared before 90, the second *Bat Kōl* afterwards, is of extreme importance. Why?

Recent New Testament research leads to the establishment of the fact that a great influence of Paulinian Christianity developed between 90 and 100, under the aegis of published Paulinian letters.²⁹

²⁸ There is no instance in which Beth Hillel and Beth Shammai are found to participate in any direct controversy of the second Tannaitic generation. Cf. also Frankel, *op. cit.* p. 54, referring to cases where the names of Beth Hillel had been replaced by the designation "Sages" (or its equivalent, *Tanna Kamma*), this after the time of the basic decision favoring Beth Hillel.

²⁹ Cf. John Knox, *Marcion and the New Testament*, pp. 56, 57, 132, based on E. J. Goodspeed's findings. For references to Goodspeed's respective

This accounts for the fact that the polemical endeavor of the Rabbis against Christianity dates almost exclusively from the time after 90. Before that time the Rabbis obviously did not realize the imminence of Christianity's danger to Judaism since this was the time when many sects sprang up, sects whose influence was limited and did not constitute a serious menace to Pharisaic Judaism.

Thus we understand why the *Bat Qol* could have been accepted as the most authoritative source of a basic *halakic* decision in the case of Beth Shammai-Beth Hillel controversies. The fundamental role of revelation and other miracles of which the early Christian leaders availed themselves for their proselytizing propaganda, had not yet been recognized. Besides, miracles are concepts within the boundaries of Jewish belief. Only the revelation interfering with *halakic* controversies was unusual. Some opposition to the new role of the *Bat Qol* revelation was apparent already before 90, as we have seen. First, Beth Shammai rejected the *Bat Qol* as a source of evidence.³⁰ Yet no motives are delineated in the sources transmitted. Whether Beth Shammai saw the danger imminent in the idea that a revelation could be given the highest authority in deciding issues of practice and belief because of the superior skill and efficiency of Christian leaders in using revelation for their purposes, remains in doubt.

We do not wish to attempt an explanation how all the miracles made their appearance in that session. We know that R. Eliezer was a specialist in the *halakic* branch of sorcery and himself practiced a kind of magic or "*Ahizat 'Enayim*"³¹ which in the case of the cucumber act is reminiscent of a hypnotic suggestive force that he may have possessed. Yet, had all the sages opposing R. Eliezer heard the *Bat Qol*, the voice from Heaven, they certainly would not have opposed it, since all their efforts were concentrated on the strengthening of God's will. The revelation here was undoubtedly that of the usual type,

writings, see Knox *op. cit.* p. 57 note 24. Cf. also Riddle and Hutson *op. cit.* Chapter XVI (pp. 172 ff.).

■ See p. 367.

³¹ See above p. 381.

i. e. one person states having received such and such word from God. R. Joshua, the perennial opponent of R. Eliezer, immediately rejected this *Bat Kōl* and succeeded, as is evidenced by subsequent events. The role of revelation in Christianity was at this time already well understood.

Yet, it is peculiar that a person, recognized as a leading authority, brother-in-law of the Patriarch Gamliel II, should be put under a ban for basing a *Halaka* on the *Bat Kōl*, a device that had been admitted previously at least on two occasions. The change of the times and attitude toward revelation does not explain the incident fully. There is no trace in Rabbinic literature that the *Bat Kōl* had been outlawed for legal matters (or for theology) prior to this event.

The employment of miracles, among them the *Bat Kōl*, becomes more weighty if we realize that this was done by a personality who appeared to be friendly toward Christianity and its leaders, as was R. Eliezer. The suspicion against him was so strong that the Romans in the course of their persecution of the Christians arrested him.³² The fact that he was cleared of the Roman accusation does not mean that the Jewish suspicion receded. Suspicion of Christian leanings combined with the employment of a device which, at this time, was fundamental and successful for Christianity, might have worked almost automatically against R. Eliezer as circumstantial evidence of his pro-Christian sympathies. In this connection likewise, the fact has to be remembered that R. Joshua, leader of the victorious opposition against R. Eliezer, was an outstanding polemicist against Christian influence.³³ We also have to refer to New Testament reports stating that there were Jews who believed in Jesus but did not confess it because of fear of exclusion from the Synagogue.³⁴

For further clarification, R. Eliezer's conduct after the ban

³² Sot. 28a; 'Ab. Zarah 16b.

³³ Cf. Güdemann, *Religionsgeschichtliche Studien*, particularly Chapter IV: "R. Joshua b. Chananja und das Christentum" 135 ff.

³⁴ John 9.22; 12.42. — Cf. Strack-Billerbeck *Einleitung zum Neuen Testament aus Talmud und Midrasch* IV, 431, which points to the difference between an "exclusion" and a "ban." The employment of the more rigorous measure

should be investigated. What can be found in relevant sources that might have some bearing on our subject? The report of the circumstances on the occasion of lifting the ban is of paramount importance. Strangely enough, scholars have neglected this source. Let us now examine the pertinent sources:

A Baratha in San. 68 a relates: והא ר' עקיבא מר' יהושע גמיר לה: והתניא כשחלה ר' אליעזר נכנסו ר' עקיבא וחבריו לבקרו . . . ואותו היום ע"ש היה . . . אמר להם לחבריו כמדומה אני שדעתו של אבא נטרפה אמר להן דעתו ודעת אמו נטרפה היאך מניחין איסור סקילה ועוסקין באיסור שבות כיון שראו חכמים שדעתו מיושבת עליו נכנסו וישבו לפניו מרחוק ר' אמות א"ל למה באתם א"ל ללמוד תורה באנו א"ל ועד עכשיו למה לא באתם א"ל לא היה לנו פנאי אמר להן תמיה אני אם ימותו מיתת עצמן אמר לו ר' עקיבא שלי מהו אמר לו שלך קשה משלהן נטל שתי זרועותיו והניחן על לבו . . . אמרו לו הכדור והאמוס והקמיע וצרור המרגליות ומשקולת קטנה מהו אמר להן הן טמאין וטהרתן במה שהן מנעל שעל גבי האמוס מהו אמר להן הוא טהור ויצאה נשמתו בטהרה עמר But did R. Akiba learn this from R. Joshua? Has it not been taught (in a Baraitha): When R. Eliezer fell sick, R. Akiba and his companions went to visit him. He was seated in his canopied bed, while they sat in his triclinium. That was Sabbath eve, and his son Hyrcanus went in to him to remove his phylacteries. But his father rebuked him, and the son withdrew crestfallen. 'It seems to me,' said he to them, 'that my father's mind is deranged.' But R. Akiba said to them, 'His mind is clear, (but his mother's³⁵ is deranged): how can one neglect a prohibition which is punished by death and turn his attention to something which is merely forbidden as a *Shebut*?' The sages, seeing that R. Eliezer's mind was clear, entered his chamber and sat down at a distance of four cubits. 'Why have ye come?' said he to them. 'To study the Torah,' they replied; 'and why did ye not come before now?' he asked. They answered 'We had no time.' He then said, 'I will be surprised if these die a natural death.' R. Akiba asked him,

of exclusion from the Pharisaic community for joining Christianity, which was practiced under R. Gamliel II, indicates the weight that the suspicion of Christian leanings must have had in the discussion of R. Eliezer's personality.

³⁵ Thus according to the note of Joel Serkes *ad. loc.* The text is here corrupt. The parallel versions of Abot de Rabbi Nathan and Yer. Sab. do not offer difficulties as to this point.

'And what will my death be?' and he answered, 'Yours will be more cruel than theirs.' He then put his two arms over his heart. . . . His visitors then asked him, 'What is the law of a ball, a shoemaker's last, an amulet, a leather bag containing pearls, and a small weight?' He replied, 'They can become unclean, and if unclean, they are restored to their cleanliness just as they are.' They then asked him, 'What of a shoe that is on a last?' He replied, 'It is clean,' and in pronouncing this word, his soul departed in purity."

Then R. Joshua arose and exclaimed: 'The vow is annulled, the vow is annulled!' At the conclusion of the Sabbath, R. Akiba met the bier of R. Eliezer as it was being carried from Caesarea to Lydda. Akiba beat his flesh until the blood flowed down upon the earth. Then R. Akiba commenced his funeral address, the mourners being lined up about the coffin, and said: 'My father, my father, the chariots of Israel and the horsemen thereof! (II Ki. 2.12). I have many coins, but no money changer to accept them.' "

The sages asked R. Eliezer in sight of his approaching death some questions concerning defilement and purity. In regard to the first category he replied: 'unclean.' The reply he gave to the last question was 'Clean.' Then his soul departed whereupon R. Joshua declared: 'The vow (ban) is annulled.' "

Why was R. Eliezer questioned in the hour of his approaching death? Did the sages wish to secure information from him in order to increase their knowledge? If so, why did they lift the ban? Is knowledge a basis for lifting a ban? If we keep in mind the fact that the subject of dispute which ended with R. Eliezer's banning was one of ritual purity and also that all the questions immediately before the lifting of the ban referred to the same subject, we are able to understand what the sages had in mind by questioning him. They wanted to ascertain that R. Eliezer was in accord with the sages as regards the attitude toward ritual purity.

In view of the negative stand of Christian leaders toward ritual³⁶ purity, the attitude of the individual suspect of Christian

³⁶ Cf. particularly Mat. 15, 20.

leanings in this field had been carefully watched in order to eliminate sectarian discord. This was the case already long before the above incident, when the menace of rising Christianity had not yet been fully recognized by the Pharisaic leaders. It is even possible that discord in matters of impurity had first been fought as sectarian moves in general, without distinguishing whether it was of Christian or of other origin. This may be inferred from the case of Akabiah ben Mahalalel.³⁷ Akabiah was put under the ban, according to the Mishnah, because of his stubborn insistence upon his tradition in regard to four cases, contradicting the majority's normative tradition. In two of these cases his opinion was, in contrast to that of the sages, more rigorous. Therefore, suspicion of tendencies toward Christianity could not have arisen against him.

The third case in which Tannaitic tradition (*ibid.*) reports a ban, that of R. Eliezer ben Enoch, is different. R. Eliezer ben Enoch פקפק בטהרת ידים "made light" or "shook" (the law) of purity of the hand, probably referring to the hand washing before the meals. Mat. 15.2, 20 explicitly opposes ritual washing of the hands, and (*ibid.* v. 11) dietary laws as well. The expression used here is "it defiles." Thus a suspicion of leanings toward Christian thoughts was justified in the instance of R. Eliezer ben Enoch, and might well have been the reason for putting him under a ban.³⁸ If our conclusion be correct, i. e. that the sages intended by their questioning to ascertain whether R. Eliezer was in accord with them, the question must be raised: Why does none of the accounts on this questioning include the crucial *Aknai* case?

For lack of source material, no definite answer can be given. There are several possibilities. One of them is that the purpose

³⁷ Mishna Eduy. V, 6.

³⁸ The paramount importance of the laws of purity for Pharisaic Judaism finds clear expression, for instance, in Tos. San. VII, 1 (425) (cf. San. 88b; Yer. San. I, 6) where a certain step in court procedure is exemplified in the following way: נשאלה שאלה אם שמעו אמרו להם ואם לאו עומדים למנין רבו המטמאין שימאו רבו המטהרים טהרו (the parallel in p. San. I, 6; 19c includes a special clause with reference to non ritual law: רבו המוכין ויכו רבו המחייבין חייבו). It is also to be noted that the Mishnaic section *Toharot* is larger than any of the five others, a fact which prompts an inference as to the importance of the purity laws in Tannaitic times.

of the interview was to exonerate R. Eliezer. For this end, it sufficed to find that he agreed *in principle* with the Pharisees. In an individual case, every sage could hold an opinion contrary to that of the majority, without any negative consequence for that sage. It is to be noted that the other sages, too, occasionally opposed the majority view. There is also the possibility that the sages did not wish to vex R. Eliezer in the hour of his death by putting before him the question that led to so much sorrow for him.³⁹

A further indication that the tendency of the questioning was directed toward lifting the ban may be seen in the fact that R. Joshua, the principal opponent of R. Eliezer and mainly responsible for the ban, came to this interview, and that it was he who pronounced the lifting of the ban.⁴⁰

Further clarification may be gained by examining the other versions of the Baraita quoted:

Yer. Sab. II,7; 5b reads: כיון שראו תלמידיו שהשיבו דבר של חכמה. נכנסו אצלו והיו שואלין אותו והיה אומר להן על הטמא טמא ועל הטהור טהור. ובאחרונה אמר טהור. ונסתלקה נשמתו. אמרין ניכר רבי שהוא טהור. א"ר מנא ועד כדון ניכר. נכנס רבי יהושע וחלץ את תפלו ויהי מגפפו ומנשקו ובוכה ואומר רבי רבי הותר הנדר ר' רכב ישראל ופרשיו

"When his disciples saw that he answered him wisely, they went in to him and questioned him, and he informed them concerning the unclean matter, that it was unclean, and concerning the clean matter, that it was clean. And his final word was 'clean.' Then his soul departed" etc.

Even more instructive is the version of Abot de Rabbi Nathan, Chapter 25 (80): אמרו לו רבי כסת עגולה והכידור והאימוס והקמיע: ותפילין שנקרעו מהו מקבלין טומאה. אמר להן מקבלין טומאה והטבילו אותן כמו שהן והזהרו בהן שהן הלכות גדולות שנאמרו למשה בסיני. והיו שואלין לו בטהרות בטומאות במקוואות. אמרו לו רבי מה הוא זה. אמר להם טמא. מה הוא

³⁹ In view of the fact that, while he was being questioned, R. Eliezer maintained his former views (or traditions), even when they contradicted those of the Sages, it is possible that he might have upheld his position in the *Aknai* case too, stirring up unpleasant memories and perhaps making difficult the lifting of the ban.

⁴⁰ According to Abot de Rabbi Nathan chapter 25 (80), it was Eleazar ben Azariah who pronounced the lifting of the ban. The Yer. Sab. version agrees with the B. Sanhedrin version.

זה אמר להם טהור. והיה משיב על טמא טמא ועל טהור טהור. . . . אמר לו רבי אליעזר בן עזריה רבי מנעל שעל גבי האימום מהו אמר לו טהור. והיה משיב על טמא טמא ועל טהור טהור עד שיצתה נשמתו בטהרה. מיד קרע רבי אלעזר בן עזריה את בגדיו ובכה ויצא ואמר לחכמים באו וראו ברבי אליעזר שטהור הוא לעולם הבא. "They said to him . . . And they asked him about matters of purity, defilement, and *Mikwa'ot* (immersion-pools). They said to him, 'Rabbi, what is this?' He answered: 'unclean.' 'What is that?' He replied: 'clean.' And he replied concerning the unclean matter that it was unclean, and concerning the clean matter, that it was clean" etc.

The versions of the Palestinian Talmud and of Abot de Rabbi Nathan show clearly that the questioning, in fact, was an examination in which R. Eliezer proved to be in general accord with the sages. It shows also that more cases came up than those explicitly given in the Babylonian version which cites merely one *Tahor* case.

What might have induced the sages to go to R. Eliezer in order to lift the ban? Probably his conduct after that ban. After the ban he retired to Lydda wherein he maintained a school. The proximity of Lydda to Jamnia made it easy for the sages to keep informed about his doings. He neither joined Christianity nor did anything causing suspicion against him. Whether the conciliatory move had been decided upon in a session of the sages or in some informal way is irrelevant. They probably re-examined the circumstances that led to the ban and found that they had erred or might have erred in their conclusions.

In spite of the fact that R. Eliezer personally had been exonerated, the *Aknai* incident had far reaching consequences.

Let us examine these:

1) The *Bat Kol* did not any more enter the arena of *halakic* controversies. Thus far it had been retained in *halakic* matters, it had been changed from a heavenly voice into a voice of an unknown or unrecognizable person.⁴¹

2) In the following Tannaitic generation, the third, the principle אין מזכירין מעשה נסים "one should not mention miracles" makes its appearance.

⁴¹ See p. 367 ff.

This Tannaitic dictum expresses a prohibition against utilizing miracles, even Biblical ones, in discussion of matters that have some bearing on the *Halaka*.

Let us examine the sources:

In Ber. 60a Rab Joseph, Amora of the third generation, attempts to refute a Mishnaic view by referring to a Biblical miracle (in fact, it is a miracle interpreted into the Bible) but his view is rejected, one of the rejoinders being *אין מזכירין מעשה נסים*.

In Yeb. 121b, Yer. Yeb. 16, 4; 15d this dictum is used in a *Baraita* against R. Meir, who certainly did not intend to introduce a miracle when he referred to an incident in which a person remained alive after having lingered in a pit for three days.

In Hul. 43a, this dictum is quoted again by R. Jose bar Judah, Tanna of the fourth generation, contemporary of R. Judah ha-Nassi, against his opponents who refer to a Biblical "miracle" in a *halakic* discussion.

In Yer. Shek. VI,3; 50a the prohibition is quoted by R. Joshua ben Levi, Amora of the first generation, in repudiating the use of a miracle interpreted into the Bible.

Thus we see that the dictum *אין מזכירין מעשה נסים* is an anonymous Tannaitic principle. Its earliest mention dates from R. Meir's time, i. e. the third Tannaitic generation. At this time it is quoted as a principle valid in matters of *Halaka*. Whenever quoted, it is accepted without objection.

When and how did this formula originate?

It is safe to assume that it did not exist at the time of the *Aknai* dispute, otherwise it would have been quoted against R. Eliezer, and it would have terminated the dispute after the first miracle. Instead, the dispute went on, the miracles being introduced, one after the other, and rejected one by one. Yet, the net result of the dispute is tantamount to the principle and may well have been the point of its origin. This would be in line with the adoption of many other Talmudic norms which originated in certain incidents or in individual cases.⁴²

⁴² Cf. Ch. Tshernowitz *ההלכה חולדות* I, 192 ff. Particularly instructive is Tos. Demai V, 24 (56): *מעשה שנכנסו רבוחינו לעיירות של כוחים שעל יד הדרך הביאו*

The time element supports this suggestion. While the *Aknai* dispute took place during the second Tannaitic generation, the norm appears first in the following generation in the same Pharisaic circle.

3) Another norm might have had its origin in the same incident:

Yer. M. K. III.1; 81d נמנו שש רב בשם בר אבבי יעקב בר אבבי שלא לנדות זקן. ואחייא כ"י דא"ר שמואל בשם רבי אבהו זקן שאיע בו דבר אין מורידין אותו מגדולתו אלא אומרים לו היכבר ושב בביתך. "Rabbi Jacob the son of Abayye said in the name of Rab Shesheth: 'It was decided (by vote) in Usha⁴³ that a sage was not to be put under a ban.' And this agrees with that which R. Samuel said in the name of R. Abbahu, that a sage was not to be demoted from his greatness, but was (merely) to be told 'Save your dignity and remain at home' (II Ki. 14.10)."

M. K. 17a is somewhat different: אמר רב הווא באושא התקינו אב בית דין שסרח אין מגדין אותו אלא אומר לו הכבר ושב בביתך חזר וסרח מגדין אותו מפני חילול השם ופליגא דריש לקיש דאמר ריש לקיש תלמיד חכם שסרח אין מגדין אותו בפרהסיא שנאמר וכו' "Said Rab Huna: 'A regulation was made in Usha that if the *Ab Beth Din* committed an offence, he was not to be put under a ban, but someone was to tell him 'Save your dignity and remain at home' (II Ki. 14.10). Should he again offend, he was to be put under a ban, because of the profanation of the Name (of God). And this is at variance with Resh Lakish; for Resh Lakish said: 'If a sage (scholar-disciple) had committed an offensive deed, they do not put him under a ban publicly, because it is said' " etc.

לפניהם ירק קפץ ר' עקיבא ועישרון ודאי אמר לו ר' גמליאל היאך מלאך ליבך לעבור על דברי חביריך או מי נתן לך רשות לעשר אמר לו וכי הלכה קבעתי בישראל אמר לו ירק שלי עישרתי אמר לו חדע שקבעתה הלכה בישראל... וכשחזר רבן שמעון בן גמליאל ביניהן ראה שנתקלקלו ועשו כל פירותיהן ודאי. The same is true with regard to the origin of Minhagim. Cf. Tos. Meg. II, 8 (224).

⁴³ S. Kraus is probably correct when he maintains that the *Takkanot* of Usha were issued under Antoninus Pius after the emperor had annulled the anti-Jewish laws (about 140 C. E.) Cf. *JE* "Synod of Usha" XI, 645-46. Our *Takkanah* is not included in the list of the *Takkanot* of Usha given in Ket. 49b-50a. However, this does not mean that it was not among the original or older *Takkanot* issued at Usha.

The conviction of the sages that the ban against R. Eliezer was a judicial error might have caused them to take steps to prevent similar injustice in the future. Since R. Eliezer lived very long,⁴⁴ the respective *Takkana* of Usha cannot have been issued long after his death. The memory of this ban and its lifting must still have been very much alive.

In Yer. M. K. III,1; 81c, R. Meir rejects recognition of a ban in saying: *איני שומע לכם עד שתאמרו לי אח מי מנדין ועל מה מנדין*. ועל כמה דברים מנדין. "I do not listen to you (obey you) until you tell me *who* can be put under a ban, *why* one can be put under a ban, and for *how* many matters one may be put under a ban."

R. Meir's objection was effective; he was not excommunicated. The first of his objections, "who can be put under a ban" indicates the existence of a category that cannot be put under a ban. It is more than mere conjecture that R. Meir made reference to the *Takkana* of Usha, prohibiting the excommunication of a sage.⁴⁵

A final word with regard to the attempts to explain the *Aknai* incident.

It would have been much simpler to find the motive or motives for the ban, had the motive been given in the sources in a univocal manner. The *Aknai* account in the Babylonian Talmud transmits the reason for the ban given by Rabban Gamliel: (8) "Sovereign of the Universe! Thou knowest full well that I have not acted for my honor, nor for the honor of my paternal house, but for Thine, so that differences may not multiply in Israel." The word *מהלוקה* may refer to a minor difference of opinion as well as to a basic difference, to a split

⁴⁴ If the account of Ber. 48b, *הטוב והמטיב ביבנה תקנוה כנגד הרזוי ביחר*, relates a historical fact (as is generally assumed), and if the text of the Gemara is not corrupt (cf. variants), R. Eliezer's reference to the prayer *הטוב והמטיב* proves that he must have died after the Bar Kokba uprising. An indication that this was possibly true can be seen in the predictions R. Eliezer made at the hour of his death (see p. 387) concerning the dark events in prospect and especially concerning the fate of R. Akiba.

⁴⁵ The threat of excommunication certainly was held over R. Meir after the Usha ordinance referred to, for at the time of the Usha Synod he still was at the beginning of his career and he therefore could not yet have caused sufficient antagonism to prompt such a threat.

(Cf. Abot .V.17). The "מחלוקת" of Korah was certainly more than a mere difference of opinion. Had it not been suppressed in time, the consequence would have been a schism in Israel.

There is only one other incident in the record in which R. Gamliel II certainly contemplated putting a sage under a ban. It is the incident caused by R. Joshua's calendation. The difference in the calendation might have resulted in a schism, had R. Gamliel not threatened R. Joshua (with the ban), a threat which caused R. Joshua to abstain from using his own calendation.⁴⁶

In the light of all the circumstances involved, we have to concede that R. Gamliel had in the *Aknai* case a *Maḥaloḳet* of basic character in mind, not a simple *halakic* difference.

Opposition to the intervention of miracles in matters of *Halaka* was not restricted to the *Bath Kol* or to other supernatural miracles entering the scene of legal disputes. It was present throughout the Talmudic period whenever a miraculous element was introduced in an attempt to interfere with a matter of legal consequence.

Yer. Yeb. 16,3; 15cd, with reference to the Mishnah *ibid.* "Even though he was mortally wounded or crucified . . . evidence may be given only after his soul departed" states: נפל לבור אריות אין מעידין עליו אומר אני נעשו לו נסים כדניאל . . . ר"י בן בבא אומר אני "If a man fell into a lion's den, evidence may not be given concerning him, since the possibility must be taken into consideration that miracles may have occurred in his behalf, as in the case of Daniel . . . R. Judah B. Baba said: 'I must take the possibility into consideration that he might be a charmer . . . ' The *Halaka* agrees with R. Judah B. Baba."

⁴⁶ The analogy between this case and that of Ber. 63a, b (Yer. Ket. II, 6:26c; Yer. Ned. VI, 8; 40a; Yer. San. I, 2; 19a) is striking. In the latter case Hananiah, the nephew of R. Joshua, was expressly threatened with the ban for his own calendations (the parallels in the Palestinian Talmud represent short versions and do not include an explicit reference to the threat of a ban). This justifies the assumption that R. Gamliel pronounced (or, at least, contemplated) a similar threat in the case of R. Joshua, yet the sources failed to preserve a record of it.

Yeb. 121a, b, gives the following version: ת"ר נפל לתוך כבשן האש מעידין עליו . . . נפל לגוב אריות אין מעידין עליו . . . חיישינן שמא חבר הוא

We see that the version in the Babylonian Talmud omitted the views concerning the miracles and listed only those views that ascribe a possible rescue to the circumstance that the person concerned might have been a magician, a view that Yerushalmi likewise considered as the authoritative one. The miracle here is merely a *potential* one, not one that made its appearance *de facto*. That is, shall we *post facto* assume that a miracle might have occurred and shall we therefore reject the certainty of death in the particular cases under discussion? In other words: Since such accidents do not necessarily produce death, we cannot declare the husband to be dead and permit his wife to remarry. A similar instance, likewise in Tannaitic sources, is the following in Git. 84a: ת"ר ה"ז גיטך ע"מ שתעלי לרקיע . . . אינו גט רבי יהודה בן תימא: אומר כזה גט כלל אמר רבי יהודה בן תימא כל תנאי שאי אפשר לקיימו בסופו "The Rabbis taught: If a man says, 'This is your *Get* on condition that you go up to the sky . . . this is no *Get*. R. Judah b. Tema, however, says that one like this is a *Get*. And R. Judah b. Tema laid it down as a general principle that if any condition impossible in the end of fulfillment was imposed by him at the outset, he must be regarded as merely trying to put her off, and the *Get* is valid."

The point under discussion here is whether the validity of a *Get* could be made dependable on a stipulation as to the performance of a miracle, i. e., of an act that could not be performed under natural law. Yet, all agree that the miracle would not occur and that it would not enter the province of this legal matter.⁴⁷

The version in the parallel Baraitha, B. 94a, is interesting: דתנאי הרי זה גיטך ע"מ שתעלי לרקיע . . . נתקיים התנאי הרי זה גט לא נתקיים התנאי הרי זה גיטך ע"מ שתעלי לרקיע . . . "It had been taught: (If a man says) 'This is your *Get* on condition that you go up to the sky'. . . if the condition is fulfilled, the *Get* is valid, but not otherwise."

The wording here seems to admit the possibility of performing such miracles, at least it does not deny it. But even

⁴⁷ Cf. Tos. VII (V), ■ (331).

according to this version, the practice would not be affected unless the supernatural act were performed by the woman in question.

The essential difference between the category under the norm *אין מוכירין מעשה נסים* and this last one consists in the following:

In the first category, the miracle in question is not a potential one, but one that has already occurred and is presented as evidence. Its purpose is to decide the controversy in supporting the one view against the other. Thus it tries to interfere with a legal decision.

In the second category, the miracle is a potential one. It does not interfere with any legal decision, though the position taken toward such a miracle may affect the law. Its scope is small within the realm of *Halaka*, though its theological consequences are noteworthy, as we shall see later. The opposition against it is not as radical as that against the first category. As a matter of fact, even some concessions have been made to it.

In Amoraic times, scholars were well aware of the binding character of the norm *אין מוכירין מעשה נסים* "one should not mention miracles" but reliance upon a potential miracle was not infrequent, particularly if no *Halaka* was involved.

Does the fact that the sages outlawed miracles as a deciding factor in legal disputes mean that they did not believe in miracles, that they stood outside of the people, that they were in advance of their own time?

To find an answer, we must examine the attitude of the sages toward miracles in other spheres, outside of the attempted interference of miracles with legal disputes.

First let us consider the attitude of the Rabbis toward miracles in general.

The surest way to learn their true stand regarding the reality and the importance of miracles is to see how they related miracles to practice and belief, how they understood and interpreted the miracle.

What was the role they assigned to miracle in the realm of *Halaka*? While in primarily legal questions, the miracle was all but excluded, as we have seen, its role in matters of *ritual Halaka* is important. Let us refer to the following instances:

a.) The norm, מצות עשה שהזמן גרמא נשים פטורות "Women are exempted from (the fulfillment of) the positive commandments to be fulfilled at a certain time," referring, in principle, to Pentateuchal laws, was rejected with reference to miracles in certain significant cases where its analogous application to Rabbinical precepts was possible:

In Pes. 108ab בארבע כוסות יהושע בן לוי נשים חייבות ואמר ר' יהושע בן לוי נשים חייבות בארבע כוסות "R. Joshua b. Levi said: 'Women are obligated to (drink) these four cups because they, too, were involved in that miracle.'"

There is no reference in the Bible to the role of woman in that miracle. Yet, the tradition of such miracle was credited and served to motivate the respective *Halaka*.

In Shab. 23a דאמר ר' יהושע בן לוי נשים חייבות בנר חנוכה שאף הן is a similar instance. Women are obligated to observe the lighting of the Hannukah tapers because of a miracle in which they were involved. In the Talmudic sources, there is no miracle explicitly mentioned in connection with the events that, according to tradition, led up to Hannukah with the exception of the miracle of the flask of oil.⁴⁸ But in this miracle no woman participated. Yet for our task, this is of secondary importance. What concerns us is that a precept had been established with reference to or at least motivated by a miracle.

Meg. 4a (Arak. 3a reads) דאמר ר' יהושע בן לוי נשים חייבות במקרא מגילה שאף הן היו באותו הנס

The distinguished role of Esther in the "miracle" of preventing the slaughter of the Jewish people motivates the inclusion of women in the commandment to read the *Megillah*.

In each of these three instances, the respective view of R. Joshua ben Levy was accepted as a norm and is listed as such in the codes.

The miracles relating to the festivals exert an influence in

⁴⁸ Sab. 21b.

religious practices in another respect too. They were utilized to shape the feasts especially the liturgy in several instances.

b.) The significance of miracles in the realm of prayers is twofold:

1) There are prayers and benedictions expressing gratitude for miracles that benefitted the people.

Examples are: Meg. 14a **אֵי הָכִי הִלֵּל נָמִי נִימָא לְפִי שְׁאִין אוֹמְרִים הִלֵּל** "If this is so, (the Purim miracle, i. e. saving from death, is greater than the Passover miracle, i. e. redemption from bondage) then should not Hallel be said too (on Purim)? No, because the Hallel is not to be recited for a miracle occurring outside of Palestine." This indicates that the Hallel psalms were considered as basic thanksgiving prayers for miracles, an idea suggested by the contents of these psalms. Other Talmudic sources indicate that they were, in fact, the oldest thanksgiving prayer for miracles. Cf. for instance Mishnah Pes. X,5-7; Sab. 21b reads: **וְעִשְׂאוֹם יָמִים טוֹבִים בְּהִלֵּל וְהוֹרָאָה**.

Other occasions when prayers are to be said for miracles are mentioned in Ber. 54a: where the Mishnah prescribes a benediction to be recited at the sight of a place at which miracles occurred to Israel (Cf. also the Baraitha on p. 57b.)

In connection with the pertinent Mishnah, the Gemara advises (anonymously): **אֵינִסָּא דְּרַבִּים מְבָרְכִין אֵינִסָּא דִּיחִיד לֹא מְבָרְכִין** "We say a benediction for a miracle that concerns many, but not for one that concerns an individual only."

Then follows an objection, brought forth in reference to cases where certain individuals were saved by miracles and were advised to pronounce the blessing. The contradiction between the mentioned norm and individual occurrences had been eliminated by giving the following decision: For miracles that concerned many, everyone must recite the blessing, but for those related to individuals, only the individual concerned has to say the blessing.

2) Sometimes the prayer has a miraculous effect, i. e. God responds to the prayer and the matter asked for comes to pass. The most frequent miraculous effect of the prayer is the healing of the sick. Examples:

Yer. Ber. V,5; 9d: The son of Rabban Gamliel II fell sick.

Gamliel sent two disciples to Rabbi Ḥanina ben Dosa to pray for his stricken child. Ḥanina prayed, and the child recovered. B. Ber. 34b, gives a somewhat different version (see *ibid.*) Another case occurs when Ḥanina ben Dosa effects the recovery of Johanan ben Zakkai's son.

The miraculous influence of prayers may have an effect on sickness and death too. Examples:

Ḥul. 60a: R. Joshua ben Ḥanania's prayer brings leprosy upon Hadrian's daughter.

Kid. 29b: Abayye's prayer kills the demon.

Ber. 7b: The enemies of everyone establishing a permanent place for worship will suffer defeat.

In many instances prayer and fast effect rainfall, sometimes in a miraculous manner:

Ta'an. 19b: The case of Nicodemus ben Gorion.

Yer. Ta'an. III,4, 66d: B. Ta'an. 19a, 23a on Ḥoni ha-Me'aggel.

Further references *ibid.* and Ta'an. 24b where prayer, sometimes conjoined with desperation, leads to rainfall.

Prayer may result in the attainment of material goods.

Yer. Hor III,4, 48a: R. Eliezer, R. Joshua, and R. Akiba prayed, and as a result, a charitable man attained a big fortune.

Other effects of prayer:

Yoma 20b-21a: "The Rabbis taught that three voices go from one end of the world to the other . . . and the voice of the soul when it departs from the body . . . The Rabbis prayed for mercy to the soul departing from the body and annulled it" (i. e. its spreading from one end of the world to the other).

Pesikta R. 22 (111b). Cf. Yer. Ber. 2, 4c, 7.

Midrash Ruth I,17 (129a).

These last passages, though belonging in the province of Aggada, reveal nevertheless the belief in the miraculous power of prayer.

Hitherto we discussed the miracle in its significance within the realm of law and practice and referred but occasionally to the underlying theological and apologetic motives. However, the significance of the miracle for Talmudic Judaism, its place

and scope, cannot be solely evaluated by its influence in initiating, molding, endorsing, or rejecting matters related to law and practice. Let us therefore conclude our investigation by pointing to the importance of the miracle in its theological and apologetical aspects.

Eduard König⁴⁹ in his essay, "The Truth of Old Testament Religion" states, "The initial foundation which sustained the faith of early Israel consisted in the extraordinary experiences of individuals."

This foundation was in Talmudic times not merely maintained but also strengthened and expanded. Let us point to the way by which this has been accomplished. Primarily, it has been accomplished by transferring many of these extraordinary experiences from the sphere of the individual and from the sphere of limited significance, to that of popular religion and that of theological and historical significance for Judaism. These were in Talmudic times the very cornerstones of religious faith.

Yet, this development was not a uniform or unsystematic one. It involved almost exclusively the Biblical and a few of the old post-biblical miracles, but not the miracles of Talmudic times. The general tendency was to exalt the Biblical miracles, to expand them, to move them from the sphere of the individual concerned to that of the entire people. Many of them were raised to the level of mandatory religious belief. In addition, their number had been increased by way of interpretation which, in many instances, was also the way employed to admit new miracles into the realm of Biblical wonders.

Previously we observed the marked difference between Biblical and post-Biblical revelation in so far as it affects practice. The distinction doctrinally is just as significant. Disbelief in certain Biblical miracles or miracles recognized as such by Pharisaic tradition incurs the greatest possible punishment, the loss of one's portion in the world-to come.⁵⁰ However, disbelief in post-biblical miracles incurs no punishment at all.⁵¹

⁴⁹ *JQR* vol. 24 p. 103.

⁵⁰ Cf. particularly Mishna San. X.

⁵¹ There is, for instance, no reference in any account to the effect that R. Joshua was rebuked or even criticized for his rejection (tantamount to disbelief) of the *Bat Kol*, the revelation of his day.

As to the classification of Biblical and some old miracles related by Talmudic-Pharisaic authorities, this was not done from a "scientific" viewpoint. Despite the fact that the Torah possessed superiority over the other parts of the Bible also with regard to miracles, sectarian differences led the Pharisees to exalt certain doctrinal miracles not explicitly cited in the Bible, for example, the resurrection of the dead, by imbuing them with an almost dogmatic character.⁵²

The superiority of Torah miracles over other Biblical miracles found expression not merely in a different evaluation of doctrinal miracles such as that of revelation, but also in a much greater emphasis upon and an amplification of the Torah miracles.⁵³ When occasionally some Biblical miracles had been rationalized, this usually was done with regard to miracles of the Prophets and Hagiographa, though even there it represented a minority or private opinion. The best known case is given in B. B. 15a. An unnamed Rabbi said to R. Samuel bar Nahmani that Job did not exist and that what the Bible gives us is merely a parable (*Mashal*). The implication of this view is clear: The miracles of the book of Job belong in the province of fiction. But R. Samuel bar Nahmani rejected that view and his position, taking the miracles of Job at face value, was not challenged any further.

Thus it is obvious that Pharisaic Judaism of the "age of miracle" lived in conformity with this dominating belief of the time, but only so far as Biblical and some other older miracles were concerned. We saw also that, whenever miracles made their appearance trying to interfere with legal matters of the Talmud's own epoch, they were for the most part rejected, particularly if they made their appearance after Pharisaic Judaism became aware of the important role of the miracle in Christian propaganda.

Insofar as the miracles of this later period were retained, their scope was restricted to the domain of the respective

⁵² Cf. the discussion of the Scheftelowitz, Baeck, Goldmann, J. Guttman in *MGWJ* vols. 68, 70, 71.

⁵³ Cf. L. Ginzberg, *The Legends of the Jews*.

individual experiencing the miracle, particularly to the miracle within the laws of the nature.

Kid. 39b reads: *... והא א"ר אלעזר שלחי מצוה אינן ניזקין לא בהליכתן ולא בחזירתן סולם רעוע הוה דקביע הויקא וכל היכא דקביע היויקא ...* "Yet R. Eleazar said: 'Those engaged in the performance of some commandment escape harm, either when going or returning?'—It was a rickety ladder so that injury was likely, and where injury is likely one must not rely on a miracle" etc.

The miracle here consists in being protected against harm while fulfilling a *Mizwah*. This passage impresses one as being an encouragement to do *Mizwot*, rather than a statement of theological significance. But even this reliance on "miracles" is limited to situations where no obvious danger exists. When this is the case, one may not rely on a miracle.⁵⁴

Ta'an. 20b reads: *... כי ההיא אשיתא רעועה דהווי בנהרדעא ... דאמר רבי ינאי לעולם אל יעמוד אדם במקום סכנה ויאמר עושין לי נס שמא* "There was a dilapidated wall in Nehardea ... Rab Adda b. Ahaba agreed with that which Rabbi Jannai said: 'Never should a man stand in a dangerous place saying, A miracle will occur in my behalf: perhaps this will not be the case. But even if you assume this would be the case, a deduction will be made from his merits.'"

The miracle here consists in the fact that Rab Adda bar Ahaba was not harmed by a defective wall which might have collapsed. Rab relies upon such a miracle while in the company of Rab Adda bar Ahaba because the latter's merits (i. e. his piety) is deserving of such a miracle. In another case, Rab Huna lured Rab Ada bar Ahaba into Rab Huna's dilapidated house in order that the presence of Rab Adda bar Ahaba would prevent the collapse of the house while the former removed his wine. But obviously, Rab Adda bar Ahaba did not believe in his "miraculous" power, as is apparent from his anger. The latter is in accord with the representative Talmudic view stating that Adda bar Ahaba was in agreement with Rabbi Jannai who

⁵⁴ This partially parallels Pes. 8b, Hul. 142a.

objected to the reliance upon a miracle in the presence of danger. The end of this passage, "even if you assume that a miracle will be caused for his sake, a deduction will be made from his treasury of merits (as to the reward)" may have been said to discourage people from taking risks of this sort. It is interesting that great personalities like Rab and Rab Huna relied upon such a type of miracle.⁵⁵ The matter, on the whole, is rooted in the theological concept of "punishment."

Interesting is R. Jannai's very realistic position in the matter. As a precaution, instead of caring whether a Jew or a gentile was on the ferry, R. Jannai chooses to examine the ferry itself.

We have seen that not merely the Bible knows of individuals through whom or in behalf of whom miracles were being performed. Such is reported in Talmudic literature as well. The principle distinction lies mainly in the scope of the miracle, as was said above.⁵⁶

There is, however, also within the Talmudic period, a gradation. Miracles of the early Talmudic teachers are more frequently of the supernatural variety than those of later times. As to the earlier period, let us refer particularly to: Nahum Ish Gimzo,⁵⁷ Hanina ben Dosa,⁵⁸ Simeon ben Yoḥai,⁵⁹ Phinehas ben Jair.⁶⁰

The decrease of miracles (in significance as well as in number) was so conspicuous that some Rabbis raised the question: Why were miracles bestowed upon persons of previous times but not upon men of the present?⁶¹

The answers, though given in different words, always amount to the same: The earlier generations were worthy of a miracle, while we are not. The most radical view in the matter appears to be that of R. Assi (Joma 29a). R. Assi said, "Why was Esther

⁵⁵ Cf. Shab. 32a.

⁵⁶ P. 401.

⁵⁷ Cf. Ta'an. 21a.

⁵⁸ Cf. Ber. 33a; Ta'an. 24b-25a; Yeb. 121b; Yer. Ber. V, 5; 9a.

⁵⁹ Sab. 33b; Meg. 17b; Yer. Sab. 9, 38d, 29.

⁶⁰ Hul. 7a.

⁶¹ Cf. Ber. 20a אמר ליה רב פפא לאביו מאי שנא ראשונים דאתרחיש להו ניסא ומאי שנא אנן דלא מתרחיש לן ניסא וכו' . . . אמר ליה קמאי מסרי נפשיהו אקדושת השם אנן לא מסרינן נפשין אקדושת השם. — ראויים ישראל לעשות להם נס בביאה שניה כביאה ראשונה 98b San. אלא שגרים החטא.

compared to the morning? In order to tell you that just as the morning is the end of all the night, Esther is the end of all miracles."

The Talmud, through an anonymous Amora, points to Hannukah with some amazement, for here is certainly a miracle which occurred after the days of Esther. R. Assi's view is then interpreted as meaning merely that the miracle of Purim was the last miracle included in the Canon.

Considering the fact that R. Assi lived in the third century C.E. in Palestine, the time and place of intensive literary activities of Christian teachers, it is quite possible that R. Assi's view was aimed at the miracles of the N. T. Of interest in this connection is John 2.11 where, with regard to Jesus' miracles, the words are used: "Beginning of miracles."

Let me briefly summarize our findings:

1) Talmudic Judaism of "the age of miracles" lived well in conformity with its time in attaching basic doctrinal importance to the miracle. It was the foundation of religious belief. Its categoric rejection meant heresy.

2) As to the significance of particular miracles, distinctions of various kinds were developed. The most important division was that made between Biblical and some early postbiblical miracles on the one hand, and the miracles of the Talmudic period on the other.

3) Overemphasis of the Biblical miracles and simultaneous depreciation of Talmudic miracles had an apologetic-theological angle. It was largely aimed at the miracles of rising Christianity.

4) The decline of miracle as regards influencing law and practice goes parallel with the growth of Christianity. The *Bat Kol*, a post-Biblical revelation, at first recognized as the highest authority chiefly in deciding the Beth Hillel versus Beth Shammai controversies and playing elsewhere, too, a role in legal matters, later became all but outlawed. This step was taken about the time when Pharisaic Judaism became aware of the imminent danger coming from nascent Christianity which had previously been considered as one of many obscure ephemeral sects. With

such revelation, all other miracles had been outlawed, too, as an active agent influencing the decision of *halakic* controversies.

5) Conforming with the spirit of the age, Rabbinic authorities expanded the Biblical miracles, increased their number, particularly by way of interpretation, and raised miracles from the religious sphere of the individual to that of the people.

6) Besides having the theological and apologetic significance, the miracle plays a role also in matters of religious practice. A number of practices were based upon, or associated with, miracles of Biblical and early post-Biblical times. Prayers were introduced to express thankfulness for such miracles. Later miracles were granted merely limited, if any, significance. They were restricted to the sphere of the individual experiencing the miracle, without consequence to others.

Let us emphasize that our intention was to point to the *significance* of the miracle within Pharisaic Judaism of the Talmudic period, not to give a systematic presentation of the miracles themselves. The latter would have to extend over several volumes, particularly because it would require detailed comparison with related Greek, Roman, N. T. etc. accounts. Yet we believe that such major enterprise can succeed best, if supported by monographs of this type, especially when so little work has been done on the subject which we have discussed.⁶²

⁶² After having read the proofs of this paper, Dr. Isaak Heinemann's very illuminating essay *Die Kontroverse über das Wunder im Judentum der hellenistischen Zeit*, published in Budapest during the war (1941) found its way to America and came to my notice. Yet, there was no need for revising my own essay, particularly because Professor Heinemann, in the essential parts of his investigation, dealt with the problem of miracle from a different angle.

THE CONFLICT BETWEEN HELLENISM AND JUDAISM IN THE MUSIC OF THE EARLY CHRISTIAN CHURCH

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- (a) musical rendition and notation
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INTRODUCTION.

THE problem with which we shall deal in the following pages, is an old one. Since musical history was first written, it has been a subject of inquiry. In the Middle Ages that history was narrowly regarded as an ecclesiastical matter and was viewed from a theological basis. Only in the Renaissance, when Ornithoparch, Glarean, and Tinctoris ventured a more secular treatment of musical history, do we encounter the beginnings of a systematic search for the primary sources of ancient music. During the nineteenth century the historic-philological method was applied to these sources, combined with profound musicological analysis by scholars such as Bellermann, von Jan, Gevaert, and others. Their efforts led to concrete and significant results, although they overemphasised the Greek-Hellenistic stratum in the music of the early Church. The theological writers of the early Middle Ages were all but neglected, however, and many valuable clues in their writings were therefore overlooked. The new trend of cultural and religious history has rectified that onesidedness and a more balanced portrait of the problem can now be drawn.

The "territorialistic" approach of scholars like Rostovtzeff, Strzygowski, and Herzfeld has produced many fine results and has taught us a series of lessons which are now in some respects in direct opposition to the concepts and methods of former schools. Their main principles are:

- (1) Hellenism cannot be separated from the culture of the Near East;
- (2) But the historic development of Asia Minor during the seven or eight centuries of Hellenism must be understood as a continuation of previous millenia, not as an entirely new era.¹
- (3) The ancient traditions of the Near East have often been transformed into, and disguised as, Hellenistic "Pseudomorphoses" (Spengler).

¹ Cf. Strzygowski, *Asiens Bildende Kunst*, p. 596.

- (4) The all-important religious tendencies of the time should not be evaluated in ecclesiastical or systematic terms exclusively, as was done by Schuerer; for the ancient, indigenous traditions were stubborn and capable of deceptive adjustments to new ideas and forms.

A complete musicological study ought, then, to investigate our problem on the basis of the three different levels on which the musical contest between Hellenism and Judaism took place, namely: the practice of rendition; melodic tradition and structure; philosophical and theological attitudes. The key to the solution of the entire question would be a comprehensive analysis of the ethnic and local musical traditions of the peoples in the Hellenistic sphere and epoch. Unfortunately our knowledge of their music is quite insufficient, since almost all of our sources spring from the philosophic-theologic realm, whose authors showed little interest in an unbiased representation of the lore of the *dii minorum gentium*.

In spite of this handicap I shall endeavour to utilize Syrian-Aramaean sources, insofar as they are accessible to me; musicologists have heretofore examined them too little. This writer is firmly convinced that the Syrian and Northwest Mesopotamian countries played a far greater role in the development of Church music than is generally recognized.

It is true that the Syrians were not a very creative people, and that their function was mainly that of translator and go-between. Just because of this we must carefully trace that function, for it is our only opportunity to appraise the relative shares of Judaism and Hellenism in the music of the Syrian Church.

In general it seems amiss to search for every detailed indication of some single "influence" or other. Asiatic culture grew not in years or decades, but in centuries and millennia. We cannot and should not evaluate the whole fabric from individual wefts or threads. Consequently, this study does not pretend to be more than an introduction to the far greater complex of liturgico-musical interrelations between Church and Synagogue.

THE SOURCES.

Hellenistic

What we know about the Hellenistic music of the Near East comes to us through three channels of information, viz. Greek, Jewish, and Christian, none of which even pretended to be objective. The authors of our historic sources were:²

a. The Greek intellectuals who spoke with condescension and occasionally with contempt of all music which did not strictly follow the "pure and straight" (σεμνότης) path of classic Greek music.³ It was their ever-repeated lament that the standard of Hellenistic music had fallen far below the level of a serious art. This indictment is even today echoed by modern scholars such as Riemann and Reinach, although our conceptions of the "purity" of classic Greek music have undergone considerable modification.⁴ For the mixture of Hellenic and Near East lore, the ancient authors show little regard, and we have to interpret their remarks with a good deal of caution.

b. The Jewish intellectuals, our second category of sources, viewed with enmity and with great fear, the ever-broadening inroads of Hellenism in Jewish life. If the bias of the Greek authors rested upon esthetic-philosophic reasons, the sharp prejudice of the rabbis, on the other hand, was caused by a burning desire to erect a protective "fence around the Law," which prevented them from attaining any objective attitude. Considering the vast number of Greek terms even in the talmudic language, it must be admitted that their fears were not altogether groundless.

² Dealing with a symbiosis of several nations during a period of seven or eight centuries, it was necessary to simplify the manifold sources into a few main categories. Since most of the really relevant sources will be discussed in detail later on, the danger of over-simplification is not too imminent.

³ Cf. Plutarch, *De Musica*, ch. 17, quoting Plato.

⁴ Cf. H. Riemann, *Handbuch der Musikgeschichte*, I. 1, p. 163 ff., also Th. Reinach, article "Musica" in Daremberg-Saglio, *Dictionnaire des antiquités grecques et romaines*, vol. 3, 2, p. 2074-2088. A far more positive attitude toward the music of Hellenism in W. Vetter's article on "Music" in Pauly-Wissowa, *Realenzyklopädie des klassischen Altertums*.

c. The authors of the Christian Church during the four centuries of unfolding Christianity displayed a slowly changing attitude. At the outset their conception of the spiritual value of Hellenistic culture was all but identical with the orthodox Jewish, but gradually they came to terms with it, and finally — just before the final collapse of the Roman Empire — they began to appreciate its nobler implications. This generalization reckons with many exceptions, but the victory of the Gentile-Hellenistic Church over the Judaeo-Christian sects in Nicea 325 clearly demonstrates the spiritual trend of the times. We shall see, later on, that the Church even absorbed some Hellenistic tunes and musical ideas, incorporating them in its older Judaeo-Syrian stratum.

In general our sources pay more attention to instrumental music than to songs. We must not assume, however, that this instrumental music was independent of vocal rendition. Quite to the contrary, vocal music is taken as a matter of course, since the ancient nations could hardly conceive of any music whose chief element was not song. The instrument is merely the variable element. It is in this sense that we hear of the various types of music which accompanied the religious ceremonies. The chanted words formed the liturgy, the instruments added the specific color.

Music in the Hellenistic cults — of secular music we know next to nothing — had manifold functions. The most characteristic were: accompaniment of sacrificial worship; apotropaic protection from evil gods; epiclese; katharsis before and initiation into the mysteries; funeral; magic and sorcery.

The most frequent sacrifices were solemn libations. Plutarch relates that these libations were accompanied and dignified by a sacred paean.⁵ On another occasion he offers a rationalistic explanation when he assumes that music was played during the sacrifices to cover up the groaning of the beasts or, in the Cartha-

⁵ Plutarch, *Quaest. conviv.* 7, 7, 4, #712: τὸν δὲ αὐλὸν οὐδὲ βουλομένοις ἀπώσασθαι τῆς τραπέζης ἔστιν· αἱ γὰρ σπονδαὶ ποθοῦσιν, αὐτὸν ἅμα τῷ στεφάνῳ καὶ συνεπιφθῆγγεται τῷ παιᾶνι τὸ θεῖον. About origin and conception of the paean, see F. Schwenn, "Gebet und Opfer" in *Religionswissenschaftliche Bibliothek*, ed. W. Streitberg, Heidelberg 1927, p. 18 f.

ginian sacrifices to Saturn, the crying of the children.⁶ Actually, the function of music in all these cases was apotropaic — a principle which holds true even of some of the Temple music of Jerusalem. The *sistra* of the Egyptians to drive away the evil Typhon, the bells of the Phrygians to chase away hostile shadows and Demons, even the *paamonim* on the garment of the High Priest, when he entered the Holy of Holies⁷ and hundreds of other illustrations demonstrate, beyond any doubt, the basically magic and apotropaic power of music.⁸ The efficacy of music for the purpose of epiclesis was a strongly implemented belief of all polytheistic religions. Music invokes the Gods to render help and assistance to the praying person. In the cult of Rhea Cybele, one of the most popular religions of Asia Minor, cymbals and bells played a significant, clearly epiclectic part.⁹ The theory has been proposed that the Shofar and the trumpets in the older strata of the Bible had exactly the same purpose.¹⁰ The Christian Arnobius ridicules this type of music, asking the pagans whether they want to awaken their sleeping Gods.¹¹ The analogy of this polemic with the famous passage in I Ki. 18.28, where Elijah mocks the priests of Baal and asks whether their God is travelling or asleep, is obvious.

The kathartic power of music was one of the chief tenets of Pythagoreanism; and this idea is one of the few conceptions of

⁶ Plutarch, *De superstitione* 13, #171. The question is fully discussed in J. Quasten, *Musik und Gesang in den Kulturen der heidnischen Antike und der christlichen Fruehzeit*, p. 36 ff.

⁷ Ex. 28.35. The best interpretations of that mysterious passage in H. Gressmann, *Musik und Musikinstrumente im Alten Testament*, p. 6 ff., where also the older literature is given. Of recent scholars Curt Sachs "History of Music Instruments" and Solomon Finesinger "The Musical Instruments of the Bible" in *HUCA* 1926, follow in principle Gressmann's explanation.

⁸ See also Blas. Ugolinius, *Thesaurus Antiquitatum Sacrarum*, vol. 32, p. 1057. f.

⁹ *Ibid.* Nonnus Dionysius:

Πρώτῳ μὲν θέτο δῶρα κυβηλίδος ὄργανα 'Ρείης
Κύμβαλα χαλκεόνωντα, καὶ αἶολα δέρματα νεβρῶν.

¹⁰ Cf. Gressmann, *op. cit.*, p. 9.

¹¹ Cf. Arnobius, *Adversus nationes* in *Corpus scriptorum ecclesiasticorum latinorum* 4, 265 ff.

musical ethos, which has survived up to the present day, (e. g. in the fire and water ordeal in "The Magic Flute" by Mozart.) The martyrdom of St. Theodotus relates that at the holy baths and baptisms, which formed an important part of the cult of Artemis and the *Magna Mater* (Kybele) in Asia Minor, flutes and tympana, or hand-drums were played.¹² So worldly an author as Ovid tells us that, on such occasions, the Phrygians "howl and the flute is played furiously, while soft hands (of the priestesses) beat the bull's hide" (drums).¹³

Flutes and Cymbals were also in evidence at funerals in all of the cults of Asia Minor and even in Palestine. In general, there is an abundance of documents testifying to the use of these instruments in all the mysteries and syncretistic religions of the Near East.¹⁴

Only in the last 60-70 years have documents of musical sorcery been uncovered; most of them stem from Egypt and Hellenistic Babylonia.¹⁵ As we know through Blau's penetrating studies, Jewry did not keep itself free from these superstitious practices.¹⁶ Most probably the recitation of these texts was

¹² Martyrium Theodoti in *Studi e Testi* 6, 70. (de Cavalieri): . . . αὐλῶν γὰρ καὶ κυμβάλων ἦχος ἐθεωρεῖτο καὶ γυναικῶν ὀρχισμοὶ λελυμένων ἔχουσῶν τοὺς πλοκάμους ὦ σ π ε ρ μ α ι ν ἄ δ ε s.

¹³ *Fasti* 4: "Exululant comites, furiosaque tibia flatur

Et feriunt molles taurea terga manus."

¹⁴ By far the best accumulation of ancient sources about the use of percussion instruments in antiquity is still the extensive treatise of Friedrich Adolph Laempe in Ugolini *Thes. Antiqu. Sacr.* vol. 32, col. 867-1092, where hundreds of quotations are given.

¹⁵ The original Greek text in M. Berthelot and Ch. Ruelle, *Collection des anciens alchimistes grecs*, II 219, 434. Also Ch. Wessely, *Neue Zauberpapyri*, Kais. Akademie der Wissenschaften, Vienna, 1893; C. Hoeg, *La theorie de la musique byzantine*, in *Revue des études grecques*, 1922, p. 321-334, and, most extensively, Klaus Wachsmann, *Untersuchungen zum Vorgregorianischen Gesang*, Regensburg, 1935, p. 50-77. It cannot be said that our present knowledge permits an exact evaluation of these magic manuscripts in terms of music. Not even knowing whether or not Zosimos of Panopolis, our main source, was a Christian, we should be most cautious in our hypothesis, especially since patristic literature shows not the slightest trace of any influence of such alchimistic-magic sects.

¹⁶ Cf. L. Blau. *Alt-Juedisches Zauberwesen*, Strasbourg 1898.

accompanied by music, since most of them are found around the gnostic alphabet and differently arranged vowels, and are often concluded by Hallelujahs. We know today that these arrangements had a musical connotation which the Jews had learned from the Babylonian gnostics and Manichaeans of the third to seventh centuries.¹⁷

We have, in the previous pages, attempted to give a brief synopsis of the descriptive sources of Hellenistic music, written in Greek and Latin. Unfortunately, nothing of Aramean literature has come down to us which might shed some light upon our problem. Hence, we can match the gentile sources only with the reports given by Jewish and Christian authors. They are, however, hardly ever descriptive in the true sense of the word, inasmuch as both pursue decidedly theological ends and are strongly biased against anything that does not conform to their ceremonial and theological concepts.

JEWISH SOURCES

Instrumental music in general, and Greek music in particular is described as euphonious (קלפון = καλλίφωνον) in contemporary rabbinic writings.¹⁸ The rabbis even considered the Greek language the one most fitted for song.¹⁹ Numerous musical terms, borrowed from the Greek language demonstrate clearly how deeply the culture of Hellenism had penetrated the daily life of Palestine. Only a few illustrations need be quoted:

קתרות = κίθαρα	(lyre)
נימין = νημα	(strings) ²⁰
פסנתרין = ψαλτήριον	(string-instrument)
פנדורא = παδοῦρα	(instrument with 3 strings?)

¹⁷ This is the contention of P. A. Gastoué which today cannot seriously be disputed. Cf. P. Gastoué, *Les Origines du Chant Romain*, p. 27-33; also Dom Leclercq, article "Alphabeth vocalique" in *Dictionnaire d'archeologie chretienne*.

¹⁸ Cf. S. Krauss, *Talmudische Archaeologie* III, p. 276, n. 43.

¹⁹ Cf. j *Sota* 7, 2, 21.

²⁰ Cf. Krauss, *op. cit.* III, p. 85.

סומפוניא = συμφωνία	(consonance, ensemble, perhaps bagpipe?) ²¹
הדראוליס = ὕδραυλις	(water-organ)
כרבלין = χοραῦλαι	(a choir of flute-players; perhaps organ) ²²
אירוס = αἶρος	(aes-ris) (ball made of ore) ²³

It is characteristic that Greek musical terms are used almost exclusively for instruments, their parts, their tuning, etc. The Hebrew vocabulary was perfectly sufficient to express all of the nuances of *vocal* music. Indeed, the Hebrew language has an abundance of terms for describing vocal forms, melodies, range, volume, etc.

Surrounded by so many Greek elements, it is understandable that the spiritual leaders of Judaism considered Hellenic music a medium of temptation to abandon Israel's faith. Most significant in this respect is the Talmudic statement: The apostasy of R. Elisha ben Abuyah was due to the Greek melodies (or to the Greek instruments which were always in his house).²⁴ The prohibition against attending, on the eve of Passover, an *epikomon*, a festal procession with flutes and cymbals and probably Greek songs, may also stem from the fear of the assimilation of Hellenistic customs. In the Talmudic treatise *Sukkah* 50b, we read occasionally about the musical instruments significant of the cults of Asia Minor.

After the destruction of the Temple, instrumental music was banished in Judaism.* The rabbis usually based this injunction upon Is. 24.9 and Hos. 9.1; yet it is clear that the two reasons for the rabbinic opposition to instrumental music were of a quite different nature. Philo, as well as the Sibyllines, both representative of Hellenistic Judaism, display contempt for any musical instrument. In both cases spiritual worship is regarded as more exalted than any sensuous ceremo-

²¹ *Ibid.* p. 86-88.

²² *Ibid.* p. 91.

²³ *Ibid.* p. 93.

²⁴ b *Chagiga* 15 b.

* As a demonstration of mourning over that disaster.

nial.²⁵ Philo, in particular, emphasized the value of spiritual hymns and praises (ὕμνοι καὶ εὐδαιμονισμοί)²⁶ even when they are not actually pronounced by "tongue or mouth," prayers which only the deity can hear (τῇ δε ἄνευ γλώσσης καὶ στόματος μόνῃ ψυχῇ . . . ὧν ἐν μόνον οὗς ἀντιλαμβάνεται τὸ Θεῖον).²⁷ In much stronger terms the Sibyl turns against the pagan type of music: "They (the faithful) do not pour blood of sacrifices upon the altar; no tympanon is sounded, nor cymbals, nor the aulos with its many holes, instruments full of frenzied tones, not the whistling of a pan's pipe is heard, imitating the serpent, nor the trumpet calling to war in wild tones."²⁸ This passage reveals much better than all the rabbinic explanations the actual situation. It is a remarkable fact that the three instruments mentioned were considered unsuitable for the Temple service: the *aulos* (אֵילֵן), the *tympanon* (תֵּן), and the cymbals (צִלְצֵל). These played a considerable part in the Psalter; yet the rabbis had a low estimate of them. Hugo Gressmann was the first to realize this strange fact, without offering any concrete explanation.²⁹ The later antagonism toward these instruments probably had the following reason: all three instruments were sacred attributes of Kybele, as is shown in our pictures. Illustration I displays a priest of Kybele; in the left upper corner we see the

²⁵ Cf. Philo, *De spec. leg.* II #193 (V 114 Cohn-Wendland).

Idem., *De spec. leg.* I #28.

Idem., *De plantatione* #148.

²⁶ *Idem.*, *De vita Moysis* II #239.

²⁷ *Idem.*, *De spec. leg.* I, #271. Against this conception turns Paul in I Cor., 14, 14-19; Rom. 10, 9-11. Without mentioning Philo's name, it is obvious that Paul considers Philo's ideal of silent prayer insufficient.

²⁸ Oracula Sibyllina 8, 113, (147 ed. Geffken) . . . τύμπανον οὐκ ἤχεϊ, οὐ κύμβαλον . . . οὐκ αὐλὸς πολύτρητος, ἔχοντα φρενοβλάβον αὐδην, οὐ σκολιὸν σύριγμα φέρον μίμημα δράκοντος, οὐ σαλπίγξ πολέμων ἀγγέλτρια βαρβαρόφωνος.

²⁹ Cf. Gressmann, *op. cit.*, p. 29. He writes: "Die Floete, die in aelterer Zeit auch bei religioesen Gelegenheiten wie Wallfahrten und Festreigen Verwendung fand, wurde spaeter infolge religioeser Scheu aus dem Kultus entfernt. In der Chronik fehlt sie ganz, nach dem Talmud spielt sie beim Gottesdienst nur eine beschaenkte Rolle . . . Das spaeter fixierte Gesetz hat die Floeten ebenso wie den Reigen um den Altar . . . mit Stillschweigen uebergangen."



I. PRIEST OF KYBELE

cymbals; in the right upper corner the *tympanon*; beneath it is a phrygian flute. Illustration 2 depicts the holy tree of Attis, the lover of Kybele. All kinds of sacred emblems are hanging from the tree: on its left branch we see two cymbals, from its right branch hangs a flute, and in the crown a *tympanon* is hidden. The Greek and Latin sources are full of allusions to these instruments as the originally Asiatic accessories of the orgiastic cults of the *Magna Mater*. If this application made the instruments suspicious to the Jewish authorities, it must have been their use in the Jewish syncretistic ceremonies of Zeus



2. THE HOLY TREE OF ATTIS

Sabazios. There the serpent, together with the flute and the cymbals, held central significance. Our illustration 3, a reproduction of a so-called Sabazios hand, shows the serpent beneath the thumb; on the left side of the hand we see a *kymbalon* and the back of the hand rests upon a *tympanon*. This explains the allusions of the Sibyl who, like the rabbis, felt horror and contempt for these renegade Jews and their customs.³⁰

Gradually other instruments — originally very popular and

³⁰ About this sect see Gressmann, *Die orientalischen Religionen im Hellenistisch-romischen Zeitalter*, p. 110-124; also P. Reitzensten, *Die hellenistischen Mysterienreligionen*, p. 105-108; and F. Cumont, *Acad. des Inscript. Comptes rendus* 1906, p. 63. The best epigraphic sources in Ramsay's comprehensive work: *The Cities and Bishoprics of Phrygia*, I, p. 639-653. Two of the arch-priestesses of Zeus Sabazios were the Jewesses Julia Severa and Servenia Cornuta.



3. SABAZIOS HAND

used frequently in the Temple — were considered suspicious and unclean through their use in syncretistic religions; hence the rabbis frowned upon most of them, even upon their noblest representative, the *kinnor*.³¹

³¹ ככנור שמנגנין בו לצים in b. Sanhedrin 101a.

Vocal music, however, if of a sacred nature, was exempt from these inhibitions. Since its texts were exclusively in the Hebrew or Aramean idiom, derived from Scripture, the songs were not likely to become a medium of syncretism.

CHRISTIAN SOURCES

Up to the third century, the Christian sources reflect almost the same attitude toward Hellenistic music as contemporary Judaism. The very same distrust of instrumental accompaniment in religious ceremonies, the same horror of flute, tympanon, and cymbal, the accessories of the orgiastic mysteries, are here in evidence. Clement of Alexandria may be quoted first, since he was in many respects a Hellenist, and certainly not a Judeo-Christian. He wrote: "One makes noise with cymbals and tympana, one rages (*περιφορούμενοι*) and rants with instruments of frenzy; . . . The flute belongs to those superstitious men who run to idolatry. But we will banish these instruments even from our sober decent meals."³² Arnobius, likewise a Gentile Christian, follows the same trend, as does Gregory of Nazianz, always referring to the "sounding ore" (*aeris tinitibus* — cymbals) and the "tones of the flute" (*tibiarum sonis*).³³

Some of the Church Fathers, especially Clement of Alexandria, and occasionally Chrysostom, used Philo's allegory where he likens the human tongue to the God-praising lyre.³⁴

That vocal music is more pleasing to God and more suitable for Christians, was assumed by all the Church Fathers without exception. In one instance, however, they had to be even more circumspect than the rabbis. Their vernacular consisted of the ancient languages, and the danger of the infiltration of Greek or Latin pagan influences was much more imminent to them than to the rabbis. Wherefore, they tried to restrict the texts of their

³² Cf. Clement of Alex., *Paedagogus* II, 4.

³³ Arnobius, *Adversus Nationes*, in *Corpus script. eccl. lat.* 4, 270; also Gregory of Nazianz, *Oratio* 5, 25, in PG 35, col. 708/9.

³⁴ Clement of Alex., *Paedag.* 2, 4; Eusebius in *Ps.* 91, (PG 23, 1172); Chrysostom in *Ps.* 149, (PG 55, 494).

songs to Biblical passages, chiefly from the Psalter, as did the contemporary rabbis.

In the course of time, Hellenistic and Aramaic-Asiatic forces made gradual but significant inroads into the liturgy of the Church and wrought a profound change upon its attitude toward syncretism. We know that the "*Kyrie Eleison*" of the Mass is a transformation of an original Helios-Mithra hymn.³⁵ As we shall see later on, a piece of Hellenistic composition, the Nemesis hymn of Mesomedes, was later incorporated in a *Kyrie*.³⁶ Recognizing the pagan origin of both text and melody (sun hymn; Nemesis hymn) we may readily conclude that the Church gave up its once intransigent puritanism. Another indication of this strategic retreat are the numerous paintings, mosaics, etc., in which Christ is identified with Orpheus or sometimes with Orpheus and David.³⁷

On the other hand, the musical terminology and structure of the Armenian and Nestorian songs show a considerable amount of Semitic and Hellenistic traits superimposed upon the native lore. Here we need only refer to the studies of the late Komitas Kevorkian in which this gifted scholar offered the first scientific accounts of Armenian Church music.³⁸ It appears that the Armenian Church, in particular, has preserved an astonishing amount of ancient tradition, both in its liturgy and music. We intend to deal extensively with this highly intriguing problem elsewhere.

Another example may illustrate how complicated the interrelation between Hellenism and Asia proper actually was. One of the most famous legends told by Greek authors about Pythagoras relates the following: When listening to a group of black-

³⁵ Cf. F. J. Doelger, *Sol Salutis*, Muenster 1930, p. 5, 78/9, *et passim*. The Catholic scholar treats the delicate subject with a frankness which is as admirable as his profundity.

³⁶ Cf. *Kyriale Vaticanum*, Nr. VI, "Kyrie rex genitor."

³⁷ Cf. R. Eisler, *Orphisch-Dionysische Mysteriengedanken*, pp. 15, 46, 353, 395, *et passim*; also O. Ursprung, *Katholische Kirchenmusik*, p. 9.

³⁸ In *Sammelbaende der Internationalen Musikgesellschaft*, I, 1899-1900, p. 54 ff.; also the same author's *Musique populaire armenienne*, Paris 1925; see also E. Wellesz, *Die armenische Messe und ihre Musik*, in *Jahrbuch Peters*, Leipzig 1920.

smiths, who were beating the iron upon anvils of different sizes, Pythagoras discovered the correlation between number and tone, cosmos and music.³⁹ Actually this legend reaches back to a far earlier era. It is told that the Idaian Mother (μήτηρ Ἰδαία = Cybele) had as servants dwarfs (δάκτυλοι = — "Daeumlinge"), skilled masters of all crafts. These gnomes discovered in the rhythm of their hammers, in the different tones of their anvils, the essence of music, rhythm, and melody.⁴⁰ The recent discovery that Kybele belonged to the ancient Hittite Pantheon⁴¹ gives a new significance to the obvious similitude of the two legends. It proves that the Pythagorean conception of the invention of music and its mathematical ramifications are of ancient Oriental origin. Heretofore this was considered to be a Mediterranean rather than an Asiatic legacy. We can now discern three phases: 1. The development of the conception of music in Asia; 2. Its migration via the Mediterranean to Greece, and 3. The return of Pythagoreanism to Asia Minor under the aegis of Hellenism. How dominant this philosophy became in Asia Minor is demonstrated by the fact that the three greatest theorists of that period, namely Aristides Quintilianus (second century A. D.), Philodemus of Gadara (first century), and Nikomachus of Geraza (second century A. D.) were all hellenized Syrians or Palestinians.

Christianity, after some hesitation, accepted their theories and digested them in a great synthesis of Orient and Occident, of which the erudite Boethius and the saintly Cassiodorus, in their books on music, were the first and most influential champions. Only after this synthesis was it possible that this ancient Oriental heritage of both the liturgy and the music of the Church

³⁹ Cf. Gaudentios, 'Ἀρμονικὴ Ἑισαγωγή, ch. II, in v. Jan's *Scriptores Graeci de Musica*, p. 340, often repeated by ancient and medieval authors.

⁴⁰ Cf. H. Gressmann, *op. cit.*³⁰ p. 59; also Stith Thompson, *Motif-Index of Folk Literature* vol. III, p. 100: "Dwarfs have music;" and Grimm, *Deutsche Mythologie*, v. "Daeumlinge-Daktyloi." The last reference was kindly given to me by Dr. Theodore Gaster.

⁴¹ Cf. H. Gressmann, *op. cit.*³⁰, p. 58; also E. Benveniste in *Mélanges syriens* I., (Dussaud-Festschrift) p. 250 ff., where a Ras Shamra inscription is quoted.

could be forgotten, until modern science rediscovered the deepest and most genuine strata of early Christianity.

Since Hellenistic ideas reached deep into East Syria and Persia, it would be a mistake to leave these regions outside the scope of our investigation. Indeed, there is increasing evidence that the early hymns of the Syrian Church reflect to a considerable degree the musico-literary technique and structure of Hellenistic patterns. Thanks to Parisot's and Jeannin's works on the hymns of the Syrian Churches, we possess a better understanding of the actual precepts which effectuated the synthesis of the Aramean and the Greek spirit in the Christian sphere.⁴²

MUSICAL SOURCES

Among the few authentic documents at our disposal, we must distinguish between primary sources, such as have been transmitted to us in musical notation, and secondary ones, which are either insecurely established or based on modern reconstruction. We shall give only the musical text; analysis and comparative treatment will be given in the following chapter. This musical source material has been selected as representative of the different melodic styles and of the various types of performance.

- 1a. *Skolion* of Seikilos, of Tralles in Asia Minor. (1st-2nd cent. A. D.) (Notated.)

⁴² Dom J. Parisot, *Rapport sur une mission scientifique* etc., Paris 1899; Dom J. C. Jeannin, *Melodies syriennes et chaldéennes*, 1924-28; also *Oriens Christianus*, N. S. 3, 1913, #3. In broad historical aspects the problem is treated by E. Wellesz, *Aufgaben und Probleme auf dem Gebiete der byzantinischen und orientalischen Kirchenmusik*, 1923, p. 95 ff., and A. Baumstark, *Die christlichen Literaturen des Orients*, p. 119. The ancient ethnic traditions of East Syria and Iran underwent a decisive transformation under the hands of Graeco-Syrian monks. It is with this thought in mind that we shall later on attempt to analyse the structure of some of the Aramaean hymns. While no ancient or even medieval documents of these melodies are extant, it may be assumed that they belong essentially to a fairly old stratum. Their occasional resemblances to Gregorian formulas seem to confirm such an assumption. See our illustrations 9a, b, 10a, b; *infra* p. 429.

1b. Antiphon *hosanna filio David*, of the Roman Church.
(Notated.)⁴³

a)

Ὁ-σον φῆς ραί-ρου· μη-δὲν ὁ-λως σὺ λυ-ποῦ· πρὸς ὁ-λί-γον ἔ-στι τὸ φῆν· τὸ τέ-λος ὁ χρό-νος ἄ-παλ-τεῦ.

b)

Ho - san - na fi - li - o Da - vid: be - ne - dic - tus qui ve - nit in no - mi - ne Do - mi - ni: O Rex Is - ra - el. Ho - san - na in ex - cel - sis.

2a. Helios hymn of Mesomedes. (Greek-Syrian composer, ca. 130 A. D.) (Notated.)⁴⁴

2b. Responsorium *Accipiens Simeon* of the Roman Church.
(Notated.)⁴⁵

a)

ἐ-λί-σων το-τα-μὰ δεσέ-θεν πυ-ρὸς ἀμ-βρότου, τικ-του-σιν ἐ-πήρατον ἄ-μέ-ραν λευ-κῶν ὑ-πὸ σύρ-μα-σι μύσ· χωρ

⁴³ Quoted after A. Gastoué, *Les Origines du Chant Romaine*, p. 40/1, who gives the best transcription.

⁴⁴ Quoted by C. Sachs, *Musik der Antike*, in Buecken's *Handbuch der Musikwissenschaft*, p. 16.

⁴⁵ *Liber usualis*, Paris and Tournai, p. 1253.

b)

gra - ti - as ■ - gnus be - ne - dix - it Do - mi - num.

Si - me - on pu - e - rum in - ma - ni - bus

3a. Nemesis hymn of Mesomedes. (Notated.)⁴⁶

3b. Kyrie VI ti tone (Notated.)⁴⁷

a)

Ι - λα - θε μά - και - ρα δι - κα στή - λε, Νέ - με - σι πε - ρο - έ - στα βί - ου ρο - πά -

b)

Ky - ri - e - - - e - - - le - i - son.

4. Christian hymn from Oxyrynchos in Egypt. (3rd century.)
(Notated.)⁴⁸

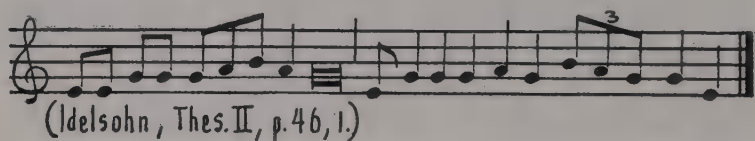
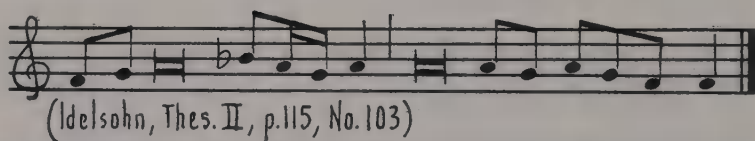
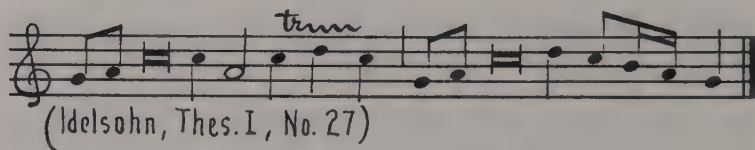
Πρὸς-τα-ῖν-ω σι-γά-τω μὴδ' ἄ-στυ-φα-ε-σφό-ρα
 λει-πέ-σων πο-τα-μῶν ῥο-υί-ων πα-σαι ὑμ-νούν-των
 ὁ-ν-μῶν πα-τέ-ρα χυι-ὸν χ' ἄγ-ιον πνεῦ-μα πα-σαι
 δο-υλά-μεις ἐ-πι-φω-νούν-των ἁ-μῆν ἁ-μῆν κρά-τος
 αἰ-νος... δω-τη-ρι μό-νω
 πάν-των ἁ-γα-θῶν ἁ-μῆν, ἁ-μῆν

⁴⁶ Cf. C. Sachs, *op. cit.*, p. 13.

⁴⁷ *Liber usualis*, p. 29; cf. *supra* note 36.

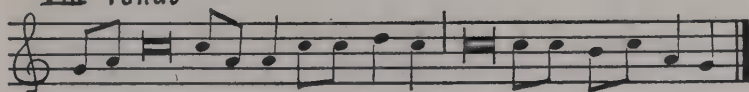
⁴⁸ Quoted by H. Bessler, *Musik des Mittelalters*, in Buecken's *Handbuch der Musikwissenschaft*, p. 45 ff.

5. Toni Psalmorum of the Roman Church, compared with Hebrew Psalmodies.⁴⁹

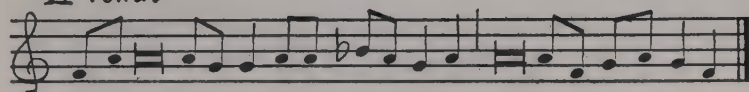


⁴⁹ Quoted by *Graduale Romanum* and E. Werner, *Preliminary Notes for a Comparative Study of Catholic and Jewish Musical Punctuation*, in *HUCA*, XV, 1940.

VIII Tonus



VI Tonus

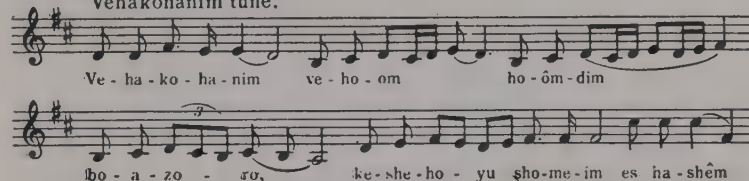


IV Tonus; ancient form

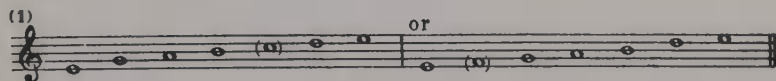


6. Ancient version of the 'Abodah of Yom Kippur. (Oral Tradition.)⁵⁰

Vehakohanim tune.

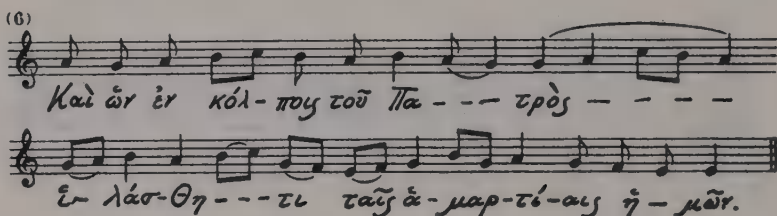
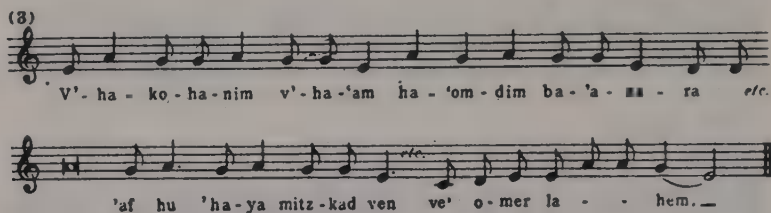
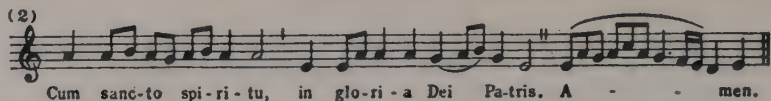


7. The *Tropos Spondeiakos* after Clement of Alexandria and Plutarch, compared with Jewish and Christian chants. (Reconstruction by E. W.)⁵¹



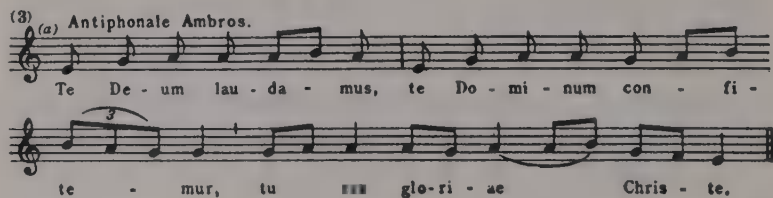
⁵⁰ Quoted by Idelsohn, *Manual of Musical Illustrations*, (from Ms 4 E #81 in the Library of the Hebrew Union College.)

⁵¹ Tabulation of the *Tropos Spondiacos*, quoted in excerpt from E. Werner,



8a. *Te Deum*, after the Ambrosian version. (Notated.)⁵²

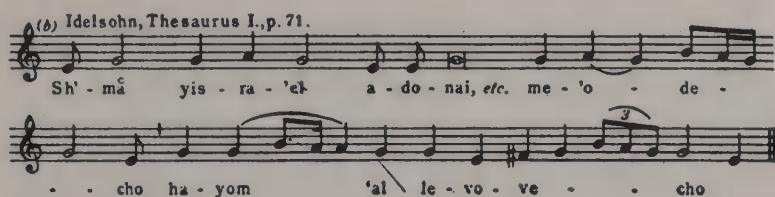
8b. *Shema'* of the Yemenite Jews. (Oral Tradition.)⁵³



"The Doxology in Synagogue and Church," 333 ff., where all sources are given. (In *HUCA* vol. XIX., 1946.) See also my article "The Attitude of the Church-Fathers Towards Hebrew Psalmody" in *Review of Religion*, May 1943.

⁵² Antiphonale Ambrosianum, or Liber Usualis, p. 1471, in slightly different version.

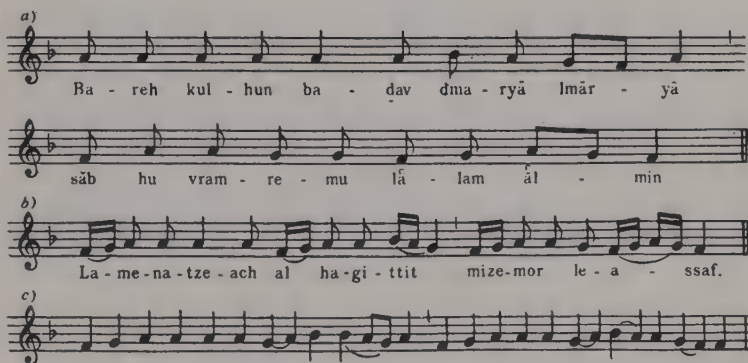
⁵³ Cf. Idelsohn, *Thesaurus*, I, (Yemenites), p. 71.



9a. Nestorian Psalmody (Oral.)⁵⁴

9b. Psalmody of Yemenite Jews. (Oral.)⁵⁵

9c. Mode of lamentations of the Roman Church.⁵⁶



10a. Nestorian Hymn. (Oral.)

10b. Gregorian Hymn. (Notated.)

10c. Maronite Qudushah. (Oral.)

10d. East Syrian psalmody. (Oral.)⁵⁷

10e. Song of Songs; cantillation of the Persian Jews. (Oral.)⁵⁸

⁵⁴ Cf. Dom Parisot, *op. cit.*, #321.

⁵⁵ Cf. Idelsohn, *Jewish Music in its Historic Development*, p. 63, #9.

⁵⁶ Cf. Oscar Fleischer, *Neumenstudien*, II., p. 22/3.

⁵⁷ Cf. Parisot, *op. cit.* Nrs. 350; 62; 316; *Lib. usualis* p. 261.

⁵⁸ Cf. Idelsohn, *Jewish Music*, p. 52, #2.

as)

săg - di - nan măr lă - lla - hu - tah, val - nă - ŝu - tah dlă pu - lă - gă.

Lu - cis cre - ator op - ti - me Lu - cem di - e - rum pro - fe - rens.

v)

qa - diŝ qa - diŝ - at, qa - diŝ bkul ě - dŝn, a - lo - ho mŝab - ho mqa - dŝ lqa - di - ŝe

ii)

săh - dē hray - tun ta - ga - rē va - si - mat hun baŝ - maya.

zvan tu nah I - mar - ganyā - tã bad - mã d'ar div ŝa - vray - hun.

v)

Shir ha - shi - rim a - sher lish - lo -

mo. yi - sho - ke - ni min shi - kŝt pi - hu. etc.

THE LEVELS

The practice of musical performance

Before we examine these musical sources in detail, we should acquaint ourselves with the manner in which music was actually performed in the era of the disintegrating culture of antiquity. In the synopsis of Hellenistic music given above, its role in the mystery cults has been emphasised but these were by no means the only occasions when music played a significant part. At the symposia, in the theatron, at secular processions and parades, and in real concerts and recitals, vocal and instrumental music was very much in evidence. Ascetic tendencies independent of Christianity, on the other hand, repudiated music completely. It is an historic irony that the Neo-Pythagoreans, the followers of the idolized inventor of music, led the battle for a "spiritual-

ized" music (the harmony of the spheres), such as could not be heard by human senses at all.

Between these extremes the young Church had to find its way. The third century marked the turning point in the Church's attitude toward instrumental music; it was being tolerated, if not welcomed. Even a canonical book, Revelations, visualized the host of elders (*πρεσβύτεροι*) prostrate before the Lamb and playing, with harps, the "new song."⁵⁹ Clement of Alexandria defended the playing of the lyre by quoting the great example of King David.⁶⁰ As in most cases, he patterned his ideas on Philo, who excepted the lyre from the accusation of sensuality.⁶¹ The first authoritative injunction against instrumental music appeared in the Canones of St. Basil, which were written towards the end of the fourth century.⁶²

Two questions with regard to musical performance arise: Who sang the prayers and hymns in Church and how were they rendered? As to the first question, the ideal of the early Church was, according to the Apostolic literature, the *κοινωνία* i. e. the congregation singing in unison with one or more men functioning as precentors. This community singing was led by psalmists, anagnostes, lectors, deacons, and other clergymen. Our most reliable testimonies come from the Apostolic Constitution,⁶³ Cyril of Jerusalem,⁶⁴ and the pilgriming woman, Aetheria Sylvia.⁶⁵ Judging from this evidence, the lectors' and psalmists' function was well-nigh identical with that of the שליח צבור in rabbinic literature. In fact, it has long been surmised that the

⁵⁹ Revel 5.8. Cf. also the famous passage of the Thomas Acts where the female Hebrew flute-player enchants the apostle into prophetic ecstasy. See H. Gressmann, *Die Musikinstrumente des AT*, p. 16.

⁶⁰ Clement of Al., *Paedagog.* 2, 4.

⁶¹ Philo, *Leg. Alleg.* I, 5, #14; (I., 64 ed. Cohn). Later on, he likens the lyre to the Universe and the microcosm of the human soul.

⁶² Cf. F. Leitner, *Der Volksgesang im juedischen und christlichen Allertum*, p. 261, who quotes W. Riedel, *Die Kirchenrechtsquellen des Patriarchats Alexandrien*, 1900.

⁶³ Const. Apost. ed. Funk, III, 11, 1; VIII., 10, 10; II., 28, 5; VI., 17, 2; VII., 45, 2, *et passim*.

⁶⁴ PG 33, 804.

⁶⁵ *Peregrinatio Silviae*, ed. Heraeus, cap. 34, 73.

early Church recruited its cantors from among Jewish proselytes.⁶⁶

There are two documents which demonstrate the truth of this assumption beyond any doubt and shed new light upon the matter:

A. The Roman epitaph of a Christian singer of the fifth century:

Hic levitarum primus in ordine vivens

Davitici cantor carminis iste fuit.

This inscription is found on the tombstone of an archdeacon named *Deusdedit* (= Jonathan). Here is surely one Christian cantor who had been a Jew.⁶⁷

B. The epitaph of the lector *Redemptus* (another typical proselyte name):

Prophetam celebrans placido modulamine senem.

He was obviously a fifth century Judaeo-Christian reader, or cantor of Scripture, who sang the "Prophet" in pleasing cantillation. E. M. Kaufmann suggests that the "Prophet" is David, whose Psalms qualified him to be considered a prophet by the Church.⁶⁸

The "pleasing cantillation" would justify Athanasius' characterization of recitation of Scripture as "melodious";⁶⁹ today's *tonus lectionis* is, on the other hand, no more than an emphatic speaking with semi-musical cadences. Leitner is evidently right when he links the Athanasius passage to the Hebrew-Syrian type of melodic cantillation.⁷⁰

Two other types of musical rendition in the Church, the *responsorium* and the antiphony, were likewise of Jewish origin. There is no need to cite the numerous ecclesiastical authors who claim the invention of both forms for Christianity: The passages I Chr. 30.20, Neh. 12.27, and Ps. 136 make it perfectly clear

⁶⁶ Cf. P. Wagner, *Gregorianische Melodien*, I., p. 17 ff.

⁶⁷ Cf. De Rossi, *Roma Sotteranea* III., p. 239, 242.

⁶⁸ Cf. E. M. Kaufmann, *Handbuch der altchristlichen Epigraphik*, p. 272.

⁶⁹ Cf. Athanasius, *Ep. ad Marcellum* 12, in PG 27, 24.

⁷⁰ Cf. E. F. Leitner, *op. cit.* p. 196.

that both the response and the antiphony were details of a well established Jewish heritage which the Church adopted.⁷¹

The participation of women in the congregational singing of Synagogue and Church warrants special consideration. Marcion had formed a female choir, and Paulus of Samosata, also a gnostic, composed psalms for women singers.⁷² Significantly, the antagonism toward the female voice became violent only in the gnostic crisis of the Church. P. Quasten's hypothesis, that the practice of the gnostics was the decisive reason for the complete prohibition of female activity in the common liturgy, is quite unconvincing.⁷³ After all, the Paulinian rule *αἱ γυναῖκες ἐν ταῖς ἐκκλησίαις σιγάτωσαν* (let the women be silent in the holy assembly) in I Cor. 14.34 was written long before gnosticism came on the Christian scene. When finally the Didascalia of the 318 Fathers gave the Apostolic rule a legal formulation, there were still voices raised in defence of female choirs.⁷⁴

The underlying reason was of a different nature. It becomes obvious when we compare the background of the defenders of women singers with that of their opponents in the fourth and fifth centuries. In the opposition were: Tertullian (North Africa), Jerome (Rome, Palestine), Cyril of Jerusalem (Greece, Jerusalem), and Isidor of Pelusium (Greece).⁷⁵ The defenders were: Marcion (Black Sea), Ephrem Syrus (Nisibis), Bardesanes and his son Harmonius (Edessa). This tabulation seems to indicate that the Western regions were more puritanic than the Syrians. To be sure, gnostics had no monopoly on female singing as is shown by the example of Ephraem, who instituted women's choirs. This practice spread all over Asia Minor. The Arabic "canones of the Apostle" even admits female lectors and dea-

⁷¹ We refer here to the basic forms, not to their later elaborations in the occident. About European transformations see *infra* p. 447 ff.

⁷² Leitner, *op. cit.* p. 263.

⁷³ Cf. P. Quasten, *op. cit.*, p. 123 ff.

⁷⁴ *Ibid.* p. 124.

⁷⁵ Isidor's reasons against female singing are almost literally identical with the talmudic formulation. (תורה בשה עיר, b. Ber. 24a): *תִּהְיֶה דֵּה טוֹב מֵלֶכֶת הָדוּתָהּ עַל עֲרִישׁוֹן פִּיטְרֵי הָרִמּוֹת חֲרָמִים . . .*; quoted by P. Quasten, *op. cit.* p. 121.

cons.⁷⁶ A kind of compromise attitude is found in the Syrian "Testament of the Lord," (fifth century) which permits a female response to the psalm intoned by a male precentor.⁷⁷ This is quite analogous to the statement of a Babylonian Amora, R. Joseph who accepted responses by women but not their leading the songs.⁷⁸ The very same practice is described by Aetherea Sylvia as a usage of the Church at Jerusalem in the fourth century.⁷⁹ All in all, those countries, where orgiastic ceremonies had not been too popular took a stronger stand against female singers than did those provinces where women had always participated actively in licentious folk ceremonies.

What were the texts of the hymns, psalms and songs, which were written about in such exalted language in the many reports and epistles of the first six centuries?

The question can be answered only by referring to the spirit of early Christian liturgy. Paul's categories of prayer (I Tim. 2.1) *δέησις* — *בקשה*; *προσευχή* — *הלה, שבח*; *ἐντεύξις* — *תחנון*; *εὐχαριστία* — *הודאה* do not quite coincide with his categories of liturgical songs, *ψαλμοὶ, ὕμνοι, ᾠδαὶ πνευματικαί* (Eph. 5.19; Col. 3.16). Many scholars have attempted to interpret the last three terms from a liturgical, others from a literary or poetic point of view. The difficulty lies chiefly in the ambiguous term *hymnos*, since Biblical pieces like the canticles, as well as post-Biblical spontaneous utterances and Apocryphal compositions were all termed hymns.⁸⁰ According to Origen who based a whole theory of oration upon Paul's categories, *προσευχή* stands always for praise and is usually couched in hymnic form.⁸¹ All of these distinctions are, of course, familiar terms of

⁷⁶ *Ibid.* p. 120.

⁷⁷ *Ibid.* p. 119.

⁷⁸ *b Sota* 48 a.

⁷⁹ Cf. *Peregrinatio Silviae*, 24, 1: . . . "descendent omnes monazantes et parthenae, et non solum hii, sed et laici praeter viri et mulieres . . . dicuntur hymni et psalmi respondentur . . ."

⁸⁰ The literature on the question see in Leitner, *op. cit.* p. 78; also P. Wagner, *op. cit.* I, p. 6, and E. Werner, "The Attitude of the Church Fathers towards Hebrew Psalmody," in *Review of Religion*, May 1943.

⁸¹ Cf. Origen, *De Oratione*, cap. 4, 9, 13, 14, 33; (PG 11); *Contra Celsum* I, 8, cap. 37, (PG 11, 1574). This is borne out by Chrysostom, *Ep. ad Col.* III, 9,2: *Αἱ γὰρ ἄνω δυνάμεις ὑμνοῦσιν οὐ ψάλλουσιν.* (The higher powers [angels] sing hymns, not psalms.)

rabbinic literature. If it were possible to identify them with the musical categories, then *hymnos* would correspond to the poetic laudation of the congregation (שיר); *psalmos*, to the psalm (of the Psalter or a recent composition of the same kind); and *ὥδῃ πνευματικῇ* to the spontaneous song, born of the religious impulse of the moment. This ecstatic type of musical prayer was frequently juxtaposed with the equally enthusiastic *glossolalia* (talking in tongues).⁸²

Both the scriptural and post-Biblical hymns became very popular.⁸³ In the third century, they were already so well established that the gnostics used the hymnic form for propagandizing their doctrines. The Syrian and Asiatic Greek heretics especially were masters of the hymn. Ephrem, as a result, decided to fight beauty with beauty and his hymns served as most effective counter propaganda for the orthodox Church.⁸⁴ In addition, to thwart this kind of heresy and its artistic lure, the Council of Laodicea (360-381) strictly prohibited the singing of any non-scriptural text in the Christian liturgy.⁸⁵ Most of the older hymns were therefore lost during the subsequent centuries and the majority of present day hymns stem from a more recent time. Later on the Churches modified their policy and admitted non-scriptural hymns to a limited degree. The real homestead of the hymn remained the Syrian and Byzantine Churches which also have the largest hymnals.

The two outstanding attributes of these Aramean compositions were: (1) almost excessive use of the contrafact practice — singing an old melody to new verses or *vice versa*; and (2) the introduction of isosyllabic meters, in which the syllables, not the accents of each line, are counted. This new poetic scheme was

⁸² Cf. E. Werner, *op. cit.*, p. 341.

⁸³ Cf. Leitner, *op. cit.* p. 125-28.

⁸⁴ According to Sozomenus, *hist. eccl.* 3, 16, Ephraem imitated the Gnostic Harmonius. Cf. also Dom Jeannin, *Melodies liturgiques syriennes et chaldéennes*, I. p. 144. The original text is first given in Assemani, *Bibliotheca Orient.*, I. 47 ff., where also the Syriac musical terminology is discussed.

⁸⁵ Cf. P. Wagner, *op. cit.*, I. p. 43 f. Jewish history knows of an identical prohibition of non-scriptural texts in the liturgy of the Karaitic sect.

of far reaching consequence in the literature of the Western Church.⁸⁶

The former was an old practice of Semitic music. Many of the enigmatic superscriptions of Psalms (22; 56; 57; 58; 60; etc.) refer to the tunes or initial lines of then popular songs. In post-biblical literature, the Judeo-Arabic term *lahan* designated this contrafact practice.⁸⁷ The Byzantine Church also made use of the device, which was called *εἰρημός*; most probably this form stems from the Syrians. For we read in Ephrem's hymns that some of them were to be sung according to tunes of his antagonist Bardesanes.⁸⁸ Whether or not it was the prior form, the Syrian *riš-qolo* is fully identical with the Byzantine *εἰρημός*.

The invention of a new metrical system by the Syrian poets is of great consequence for our study. It is inseparably linked with the development of Church music and, as it seems to this writer, also with that of the Synagogue. For it was due to the new metrical scheme of the Syrians that the corresponding music also was forced into metric structure. This conception of music is much closer akin to Hellenistic than to original Jewish theory and practice. The superabundance of metrical hymns in the Aramean Churches demanded strongly rhythmic tunes which had been known to the Greeks for centuries but entered synagogal music only in the ninth century when the *piyyut* conquered the liturgy. The question remains, however, whether the Syrians were really the inventors of the new poetic style. Since W. Meyer has demonstrated their priority, we must at least assume it. We shall discuss this matter later from a broader viewpoint.

⁸⁶ Cf. W. Meyer, "Anfang und Ursprung der lateinischen und griechischen rhythmischen Dichtung" in *Abhandlungen der k. Bayerischen Akademie der Wissenschaften*, I. Kl. XVII 1885, p. 108 ff. "Von den semitischen Christen ist mit dem Christentum die rhythmische Dichtungsform zu den lateinischen und griechischen Christen gewandert." See also H. Grimme, *Der Strophenbau in den Gedichten Ephraems (Anhang)*, Freiburg, (Switzerland) 1893.

⁸⁷ Cf. Werner-Sonne; *The Philosophy and Theory of Music in Judaeo-Arabic Literature* I, in *HUCA* 1941, p. 296 ff. Also K. Wachsmann, *op. cit.* p. 51 ff.

⁸⁸ Ephraem Syrus, *opera*, ed. Benedict, vol. VI, p. 128, end of the 65th homily, (*adversus scrutatores*); where he adds ܐܠܗܐ ܕܕܢܒܝܐ. Also Assemani, *Bibl. Or.* I, p. 47/8.

Another peculiarity of the Aramean pieces deserves a brief description: their preference for half-choirs, when responses or antiphones were sung. We have already mentioned the Biblical origin of these forms, but it seems that they were organized and cultivated in Syria before they became wholly integrated in the Roman or Byzantine plainsong. This conclusion is not only based upon the ever repeated Patristic statements that the Greco-Syrian monks Flavian and Diodorus (of Antioch and Tarsus) invented and fostered the antiphonic practice⁸⁹ but also upon new and fully convincing evidence which has been produced by P. Odilo Heiming. This scholar has demonstrated that many of the Syriac hymn manuscripts were actually arranged for half-choruses. Beyond this fact, Heiming investigated the leading stanzas and compared them with Byzantine patterns. The result displays an intricate interrelation between Syria and Byzantium, where the Eastern wave met the Western wave.⁹⁰

Melos and Rhythm.

(I) The three archetypes of early Church music can be defined according to one single criterion: the relation between tone and word. Considering psalmody but an elaborate form of cantillation or *ekphonesis*, that old and venerable category is characterized by the organic links which bind the syntactic structure of the scriptural text to its musical formulation. The individual word is of no relevance; only the whole sentence with its caesura and cadence makes a musical unit. The parallelism of Scripture which has carefully been preserved in all translations created the dichotomic structure of musical psalmody.

If we compare No. 5 (p. 426) with either 2b or 3b (p. 425)

⁸⁹ Cf. Sozomenus, *Hist. eccl.* 3, 20, (PG 76, 1100); also Theodore of Mopsuestia, PG 139, 1390. The first Christian author to claim the Syrian origin of the antiphon is Socrates, *Hist. Eccl.* VI., ch. 8, (PG 67, 889). It should not be forgotten that, at the time referred to (ca. 270), Jewry was predominant in Antioch and probably had introduced there the old familiar antiphonal practice.

⁹⁰ Cf. P. Odilo Heiming, *Syrische Enjane und Griechische Kanones*, Muenster 1932, p. 40 ff.

the difference is plain and fundamental. In psalmody we find melodic movement only on special significant places of the sentence: in the beginning, at the pause (*'Atnah*), and in the final cadence. The rest of the sentence is recited upon the *ténor* without any melos. There is no discernible *ténor* in the other two examples, however, nor any clear dichotomy, nor its characteristic attributes, the punctuating or final melisms. The melody, while closely bound to the words, if not to single syllables, flows more freely and is more autonomous. Now psalmody is a direct Jewish heritage of the Church. This is also true of the *lectio solemnis*, the cantillation of Scripture. Not only are these two elements, the core of the ancient musical liturgy, common to both Synagogue and Church, they also are by far the best preserved and most authentic features. For the first attempts at musical notation in Judaism and Christianity concerned themselves with the fixation of these two forms. The musical organization of the Jewish raw material, however, remained the task of the different Churches and varied considerably with the individual ethnic traditions. Even here we find occasionally Hellenistically inspired fragments; our Ex. 2a and b give such an instance. Parts of the Helios-hymn of Mesomedes were integrated in the response "Accipiens Simeon" for the feast of purification. Note the parallelisms in ex. 5a, b (p. 426/27).

(II) Much more complex is the genesis of the second archetype, the hymnic syllabic composition. This form is linked to the syllable or the word rather than to the sentence. No *ténor* of recitation, hardly a *pausa*, and seldom a final melism in the cadence, occur in hymnic forms. But its music is a faithful expression of the metrical poem, since it obeys in all details the accents of the text. If we desire to understand its history, our first task must be the study of the hymn meters. But we meet with serious difficulties. Hellenistic poetry was based upon the system of quantity, but the earliest Aramean and Greek-Christian hymns do not observe this scheme. Let us compare Ex. 4, the earliest musical document of Christianity, the Oxyrynchos-hymn, with Ex. 10 c, a, and b [a Syrian Qedusha, a Nestorian and Gregorian hymn,] with regard to their texts: (Cf. *supra* p. 425, 429.)

4. (Oxyrynchos hymn)⁹¹

Πρυτανήω σιγάτω μηδ' ἄστρο φαέσφορα λειπέσθων
 ποταμῶν ῥοδίων πᾶσαι ὑμνοῦντων δ' ἡμῶν
 πατέρα χ' υἱόν χ' ἄγιον πνεῦμα πᾶσαι δυνάμεις
 ἐπιφωνούντων, ἀμὴν ἀμὴν; κράτος αἶνος . . .
 σωτῆρι μόνῳ πάντων ἀγαθῶν ἀμὴν . . . ἀμὴν.

Ex. 10 c. (pentasyllabic meter) perhaps ◡ — ◡ — ◡ —

qadiš qadišat
 qadiš b'kul 'edon
 aloho m'šabho
 m'qadaš l'qadiše
 d'men srofe d'nuro
 bravmo metqadaš
 v'men krubē d'hilē
 b'hedro metbarah

Ex. 10 a. (octosyllabic meter) probably ◡ — ◡ — ◡ — ◡ —⁹²

šagdinan mar l'allahuṭāḥ
 valnāšutāḥ dla pulgā.

Ex. 10 b. (Octosyllabic meter) scheme ◡ — ◡ — ◡ — ◡ — ◡⁹³

Lucis creator optime
 Lucem dierum proferens
 Primordinis lucis novae
 Mundi parans originem
 Qui mane junctum vesperi
 Diem vocari praecipis
 Illabitur tetrum chaos
 Audi preces cum fletibus
 etc.

⁹¹ Cf. H. Abert, "Ein neuentdeckter fruehchristlicher Hymnus," in *Zeitschrift fuer Musikwissenschaft* IV, 1922; p. 524 ff. Also O. Ursprung, Der Hymnus aus Oxyrynchos, in *Theologie und Glaube*, XVIII, 1926, p. 387 ff. The original text in facsimile in *The Oxyrynchos Papyri* XV, ed. B. Greenfell and A. S. Hunt, London 1922, #1786, p. 21 ff.

⁹² Cf. Dom Parisot, *op. cit.* #62, p. 67; #350, p. 240.

⁹³ *Liber usualis*, p. 261.

The first text is at least partially based upon the old principle of quantity, while the following three hymns show no trace of quantity. There might be some doubt concerning the Syrian text, since we do not know its original correct accentuation, but in the Latin hymn, the accentuation is evident. The Syrian and Latin texts have, however, one principle in common: their verses always contain the same number of syllables. This scheme finally replaced the classic conception of meter both in the Roman and in the Greek Churches.

It is generally assumed that the Syrian practice of numbering syllables was of no influence upon Hebrew poetry, which counted accents rather than syllables. This writer has found, however, that some of the oldest *piyyutim* followed the Syrian scheme. Here are two examples;⁹⁴

(Decasyllabus)

- (a) במידה תיכנת לו מים נם דם
 חיות חציו מים וגם חציו דם
 דולף הוא צונים אם כיובו מימיו
 ולוקה בזיבה אם יזובו דמיו
 etc.

- (b) Strict heptasyllabus. ("Ephraem's meter") = ' _ ' _ _ ' _⁹⁵

מטל מלכים בהוילו
 ימטוב חלב בהיגדלו
 יעקב ירש בחבלו
 מתן אדם ירחיב לו
 etc.

There probably existed older sources of the same literary type before the era of the *piyyutim* quoted above (seventh century). It is only through the findings in the Geniza that we know the *Maḥzor Yannai* at all. Nonetheless, the priority of the Syrians in using the syllabic type can hardly be doubted.⁹⁶

⁹⁴ Cf. *Maḥzor Yannai*, ed. Davidson and L. Ginzberg, p. 15, line 29 etc.

⁹⁵ Cf. *Studies of the Research Institute for Hebrew Poetry*, vol. II. p. 227, Jerusalem 1936.

⁹⁶ G. Reese, in his splendid work, "*Music in the Middle Ages*," p. 68, gives a definition of Syriac meters which can easily lead to misunderstandings. He

Again, there are indications which point to Hellenism as the agent under whose aegis the Syrians evolved their system. The historian, Sozomen, in his biography of Ephrem Syrus writes: "Harmonius, the son of Bardesanes, having been well instructed in Grecian literature, was the first who subjected his native language to meters and musical laws, (πρῶτον μέτροις καὶ νόμοις μουσικοῖς τὴν πάτριον φωνὴν ὑπαγαγεῖν) and adapted it to choirs of singers, as the Syrians now commonly chant; not indeed using the writings of Harmonius, but his tunes."⁹⁷ This passage would suggest the Syrian hymnodists as heirs of the Greek tradition. Indeed, when we consider that Judaism kept itself free from such metric conceptions until the sixth or even the seventh century, while living all of the time in close contact with Aramean Christianity, there is perhaps some reason to doubt the genuineness of Syrian hymnody. This suspicion becomes even stronger when we contemplate the rapidity with which the Syrian type swept all over the Western and Eastern Church. To be sure, the contemporaries of Ephrem and the champions of the new form in the Roman orbit, such as Ambrose, did not immediately abandon the traditional quantity system, but neither Augustin nor Gregory I heeded quantity any longer.⁹⁸ Had the new system been entirely alien to Romans and Greeks it would have encountered much more opposition than it actually did.

writes: "Correspondence between lines being obtained through equality not in the total number of syllables in each but in the number of tonic accents." This point is not at all certain. W. Meyer, *op. cit.*, p. 115, writes: "Durch jenes semitische Vorbild wurden diese Voelker angeregt, die Quantitaet der Silben nicht mehr zu beachten, . . . dagegen auf die Silbenzahl zu achten . . ." and p. 108: "Dennoch ist nicht der Wortakzent an die Stelle der Versakzente getreten; . . . dagegen wird die Silbenzahl der Zeilen berechnet und mit einigen Schwankungen eine bestimmte Zahl festgehalten." The whole theory needs still further elucidation; it is based upon Pitra's erroneous conjecture that the Syriac and Byzantine hymns with acrostics and isosyllabic verses are a legacy of the Synagogue. The more recent literature on the problem, e. g. Hoelscher's *Syrische Verskunst* was not accessible to me. See also E. Wellesz, *op. cit.* ⁴² p. 48-60.

⁹⁷ Cf. Sozomen, *Life of Ephraem*, III., ch. 16.

⁹⁸ Cf. W. Meyer, *op. cit.* p. 119. Note the psalmodic type of the "*Te Deum*," ex. 8a! (*supra* p. 428.)

Another factor must be considered: the type of melody. When we compare the oldest Latin hymn melodies with those of the Syrians, we find some surprising analogies in their flow and structure.

Cf. No. 10a and 10b; (p. 430) they follow the same pattern.

Their rhythmic identity, dependent upon the octosyllabic scheme of the Syriac and of the Roman hymn, needs no further elaboration. If we search for the Greek models of the Syriac meters, the closest likeness presents the anacreontic pattern with Ephrem's heptasyllabic meter. The following example is taken from August Hahn's work, who first ventured the conjecture that Harmonius borrowed this meter from Anacreon:⁹⁹

Ἡ γῆ μέλαινα πίνει
Πίνει δὲ δένδρε' αὐτήν, etc.

or:

Μυθῆναι δ' ἐνὶ νήσῳ
Μεγίστῃ διέπουσιν

(Rossbach-Westphal,
Griechische Metrik III., p. 493)

These Greek rhythms (*Acatalectic Pherecrateus*; *logaoedic Tripody*) were used for popular processions. It seems that the women sang them at the mystery cults, often in strophic responses.¹⁰⁰ Let us, in this connection, remember that Ephrem, after whom that very meter is named in Syria, taught it to women in responsorial style.¹⁰¹

⁹⁹ Cf. Augustus Hahn, *Chrestomathia Syriaca*, sive S. Ephraemi carmina selecta, Leipzig 1825; see also H. Burgess, *Select hymns and homilies by Ephraem Syrus*, London 1853, p. XLVII.

¹⁰⁰ A. Rossbach and R. Westphal, *Griechische Metrik*, III, p. 494-96. The poem, by Yannai, quoted supra p. 440 is likewise a heptasyllabus, and its meter a logaoedic tripody.

¹⁰¹ Yet Asseman already doubts the originality of Ephraem's heptasyllabus; he writes: "Errant quoque, qui unum dumtaxat carminum genus, videlicet septem syllabarum, Ephraemo tribuunt . . ." (I. p. 61) And: "Halucinantur enim, qui Ephraemum asserunt excogitasse versus heptasyllabos,

Contemporary Jewish literature offers neither isosyllabic poems nor strophes nor even descriptions of such types of hymns before the sixth or seventh century. This fact admits of one conclusion only: The hymn form is originally alien to Judaism and is a Greco-Syrian element in the music of the Church.

(III) In the third archetype, the melismatic style, the melos has no immediate relation to the word. This is the oldest form of "absolute" music, entirely emancipated from meter, syllable, word, or sentence. What is its origin? After all, singing without words was not such a common practice in antiquity; even today, coloratura-singing is a rather extraordinary thing. In the Church it is invariably connected with the jubilant rendition of the Alleluja; which fact alone suggests Jewish origin. The acclamation *Hallelujah* may have had, as I have suggested elsewhere, a definite liturgical function, to give the uninitiated, primitive listeners the opportunity of joining the proclamation of God's praise.¹⁰² Gradually it loosened itself from its original context and, used as spontaneous acclamation, together with its pneumatic color, led to a certain disembodiment, to a spiritualization of the Hallelujah. The last step was the omission of the word *Hallelujah* itself, in whose place only its vowels were sung — AEOUIA, to be changed later to EUOUAE.

In Judeo-Christian circles the acclamation was very popular, as the "Odes of Solomon" show, of which each ends with an independent Hallelujah. In the same way it was sung in the gentile Church, as the following passage illustrates:

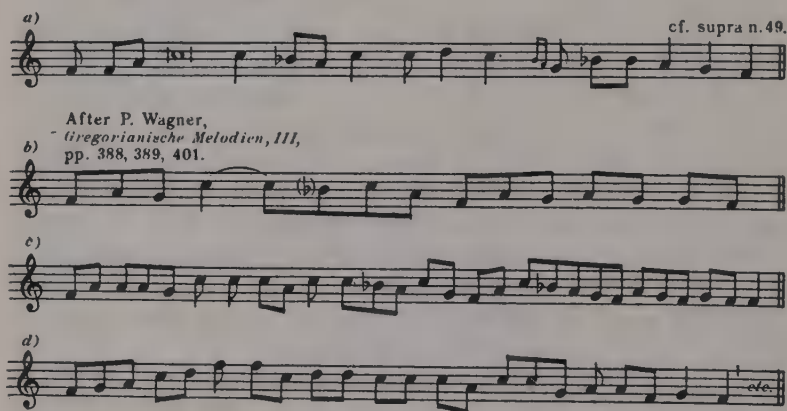
"A Hebrew word they (the Christians of Antioch) added to every verse as from one mouth, so that one could believe they were not a multitude of men, but one reasonable, united being, uttering a wonderful sound" ¹⁰³

Narsetem hexasyllabos, Balaeum pentasyllabos . . . , nam longe ante hos auctores iam Syri carminibus huiusmodi utebantur ut Bardesanes et Harmonius." (*Ibid.*)

¹⁰² For a full discussion of the Hallelujah see my study "The Doxology in Church and Synagogue" in HUCA 1946, p. 323 ff.

¹⁰³ Cyprian Antiochenus, ed. Maurinorum, Venice 1728, CCCX; quoted after J. Doelger, *Sol Salutis*, p. 132. Compare with these passages the conception of *Numbers Rabba* ch. 2, 24.

These facts and testimonies indicate the "additional" character of the Hallelujah; it grew as an expansion of a verse or of an entire psalmody. Cassian's statement confirms this conception: "Some of them (monks) felt that they ought to prolong the . . . psalms themselves by melodies of antiphones and by *adding certain melisms*."¹⁰⁴ In other words: *the melismatic, wordless Jubili are mere expansions of final melisms in the psalmody*. This theory can be further confirmed by comparing certain final melisms of the oldest Jewish strata with similar, extended Allelujas of the Church.



In these four illustrations the history of the Jubilus is clearly reflected: a) is a very common Jewish psalmody formula, familiar in the Occidental as well as in the Oriental Synagogue; b) and c) are two final melisms of the Gregorian Chant, miniature expansions of the original mode; d) gives a splendidly extended version of a *versus alleluaticus*.

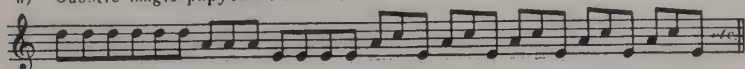
The technique of the melismatic ecstatic singing was imitated in syncretistic circles where it was used for magical purposes. The imitation, however, poor and inorganic, presents a bizarre

¹⁰⁴ Cf. Cassian in PL 59, 77: "Quidam enim vicanos seu tricenos psalmos, et hos ipsos antiphonarum protelatos melodiis et adjunctione quarundam modulationum debere singulis noctibus censuerunt."

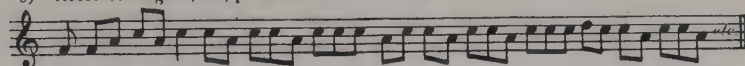
picture. Compare the fragment of a gnostic-magic incantation with a Gregorian passage:

After P. Gastoné, *op.cit.*, p. 29.

a) Gnostic-magic papyons Berlin I.



b) After P. Wagner, III, p. 387.



The almost howling monotony of both examples is obvious. It might be due to the idea that certain intervals or tonal figures, if repeated over and over again, can exert a strong magic appeal, even more than stubbornly reiterated words or vowels, which were also the common stock in trade of magic papyri. The Gregorian example is perhaps a lost wave of that syncretistic practice which somehow crept into the authentic songs of the Church. Dom Leclercq describes the curious passages of the incantations as "remnants of hymns, in which one can recognize a mixture of elements Jewish, pagan, and Christian." But, he goes on to declare, "we will not be too bold if we imagine in them (*pressentir*) translations or pastiches of Bardesanes Syriac hymns".¹⁰⁵ This conjecture seems hardly convincing since the analysis of Syrian hymns indicates their strongly metrical character. The magic pieces show no discernible rhythm nor meter and convey, in general, a rather amorphous, not to say chaotic impression.

From the very outset the *melismatic* type was identified with religious ecstasy. Created by spontaneous emotion, it was frequently rendered as improvisation, both in Synagogue and Church. When the Western Church attempted to systematize its songs according to the misunderstood teachings of Greek

¹⁰⁵ Dom Leclercq, in *Dictionnaire d'archéologie chrétienne*, art. "Alphabet vocalique des Gnostiques."

theorists, it was the melismatic type which suffered most.¹⁰⁶ Forced into the Procrustean bed of the eight Church tones, it was modified and mutilated. Still, we must consider this a cheap price for its essential preservation: without the occidental arrangement it would have disappeared altogether.

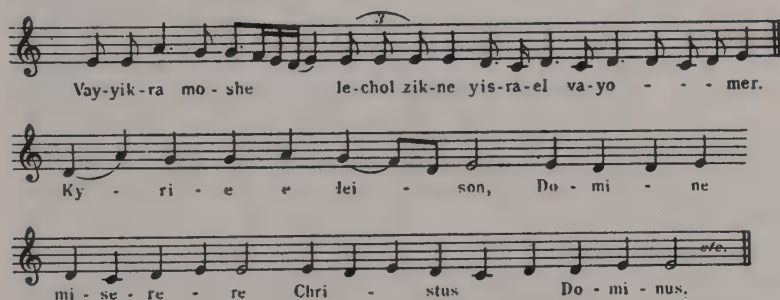
Thus we realize, as in the case of psalmody, a Jewish heritage preserved in the Church by means of Greek theories and systems.

(IV) We have sketched in the previous pages the origin and the structure of the three *urformen* which constituted the backbone of the Church's musical liturgy: psalmody, hymn, and melismatic song. In addition to these types we encounter, at a fairly early stage, certain mixed forms which blended psalmodic elements with melismatic or syllabic hymnic features. They are common to the oldest strata of the Roman, Greek, Syrian, Nestorian, and Armenian chant, but developed independently according to the customs and requirements of their specific liturgies. An ancient Jewish instance is ex. 6 (p. 427).

In the Roman plainsong we find many of these hybrid structures, the most interesting of which are the tunes of the *Ordinarium Missae*, the *Tractus*, the Gradual-Response, the later Antiphones, and the Lamentations, a special version of the *Lectio Solemnis*. In most of these compositions, Jewish and Hellenistic elements were merged in various degrees, generally blended to a perfect unity. In contradistinction to the Eastern Churches, Rome was quite conservative, when it came to changes in, or modifications of, its liturgical traditions. As far as we can see today, there were few, if any, other formative forces besides the Hebrew and the Greek which constitute the nucleus of the Roman chant. Only in the eight and ninth century did West European notions (Gallic, Germanic, Irish) begin to make inroads into the rigid body of Roman tradition.

¹⁰⁶ Cf. P. Wagner, *op. cit.*, I., p. 57. "The highly developed type of musical punctuation may very well have its origin in the practice of Jewish precentors;" also G. Reese, *op. cit.*, p. 63. "The singing of the Alleluia was doubtless taken over from the Synagogue;" also K. Wachsmann, *op. cit.*, p. 118: "Ihre Bedeutung (of the ancient Jewish chants) hat nunmehr den Weg in die Literatur gefunden, die die belegte Gemeinsamkeit juedischer und gregorianischer Weisen allenthalben anerkennt und ihrem Bestande einverleibt hat."

a. The tunes of the *Ordinarium Missae* (the nuclear prayers of the Mass). Here a rare opportunity of comparing Hellenistic with Jewish impulses presents itself; No. 3a and 3b juxtaposed the Nemesis hymn of Mesomedes, a Hellenistic piece of the second Christian century, with the *Kyrie* VI of the Gregorian tradition. In the Greek composition the relation between tone and word is strictly syllabic — one tone to each syllable; but the Christian version of the same melody uses punctuating and final melisms. In short, it adjusts the Hellenistic passage to the more Hebraic melismatic character of the *Kyrie*. Quite the reverse development is discernible in the assimilation of an original Hebrew motif to another *Kyrie* piece. Idelsohn was the first to compare the two compositions but without much elaboration.¹⁰⁷



The Jewish cantillation contains certain initial and final melisms. While its melody has been essentially left untouched by the Church, it has been well-nigh divested of its flourishes by the syllabic distribution of the new Latin words to the ancient Hebrew tune.

In both cases the Church has balanced Hellenistic against Jewish elements by adding or effacing the typically Oriental melisms.

b. Not always was the process as smooth as here, nor the result as well composed. This is especially obvious in some of the antiphones, where the rigidly parallelistic structure of the

¹⁰⁷ Idelsohn, *Jewish Music in its Historical Development*, p. 40, 47.

Scriptural verses often disturbed the flow of Hellenistic melody. Classic examples of this forced adaptation are Ex. 1a and 1b.

The easy going drinking song of Seikilos was pressed into the distich:

*Hosanna filio David; benedictus qui venit in nomine
Domini.*

Rex Israel: Hosanna in excelsis.

Here, a good deal of the Hellenistic melody has been absorbed, but the Christian arrangers, as was their custom, insisted upon emphasizing the *pausa* in each verse. Thus they had to add a pausal melism for the words *David* and *Israel*.¹⁰⁸ The adaptation tried, moreover, to stress the twofold *Hosanna* of the first and second verse by the identical musical phrase, thereby cramping the flow of the Greek cadence.

c. Another archaic form of the plainsong, the *Tractus*, reveals prevailing Hebrew elements. Its style is very florid, like that of *Hazanut* and it is indeed performed by a soloist during the Mass. It probably antedates all other music of the Mass, except the Hallelujah.¹⁰⁹ P. Wagner has pointed out that the roots of the *Tractus* lie deeply in the solo psalmody of the Synagogue, especially in the punctuating melisms of cantillation. Two arguments put forth by this illustrious scholar make his thesis most plausible: The fact that the *Tractus* texts (with few late exceptions) are exclusively Biblical, and the identity of some of their melodies with chants of the Yemenite Jews. Here we add one more sign of their Jewish origin: the use of certain recurrent melodic patterns which are not at all based upon the systematic scales as the Greeks knew them. These melodic clauses are a most characteristic element of ancient Jewish modality.¹¹⁰ As all students of the plainsong knew, the melodies of the *Tractus* belong only to two modes, the II and VIII. They do not organically fit into the two modes, but were

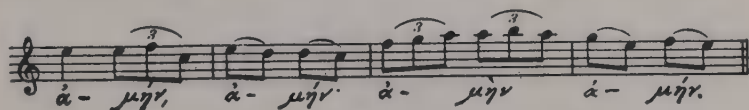
¹⁰⁸ This becomes even more obvious through the neume *tristropa* upon *Israel*, which always indicates a simplification of an originally melismatic texture to a more syllabic phrasing. Cf. P. Wagner, *op. cit.*, II, p. 123 ff.

¹⁰⁹ Cf. P. Wagner, *op. cit.*, III., p. 366 ff.

¹¹⁰ Cf. E. Werner, "Leading Motifs in Synagogue and Plain Song," in *Papers of the American Musicological Society*, vol. 1946, Detroit Congress.

forced into that system, alien to Hebrew music, by the Medieval theorists of the Church.

d. The punctuating melisms which play so great a part in cantillation and psalmody were a driving force of aggressive power. The old singers of the Church were so accustomed to them that these little flourishes were dragged by them into originally Hellenistic melodies of clearly syllabic character. The famous hymn of Oxyrynchos, the oldest musical document of Christianity, is a case in point. A comparison of No. 4 with a classical Greek composition like Ex. 2a evidences certain fundamental divergencies. The text of the hymn proper ends with "Amen, Amen" followed by a small doxology beginning with *κράτος αἰνός* and ending with *πάντων ἀγαθῶν ἀμήν, ἀμήν*. In all these endings, we encounter the typical final melisms of Jewish psalmody although, in melody and structure, the piece is distinctly Hellenistic, even written in the Greek letter notation. We quote here the characteristic passages (p. 425).



The question then arises: How did the Egyptian Christians come to be acquainted with Jewish psalmody and its practice? Fortunately, this question can now be answered satisfactorily. Clement of Alexandria, an older contemporary of the Oxyrynchos hymn wrote:

"Further, among the ancient Greeks, in their banquets over the brimming cups, a song was sung called a *skolion* after the manner of the Hebrew Psalms, altogether raising the paean with the voice."¹¹¹ — indicating his knowledge of Hebrew Psalmody.

Later on, Clement gives some hints about that mode of psalmody, and this writer essayed, by comparing Clement's statements

¹¹¹ Clement of Alex., *Paedagogue*, II, ch. 4. For a full discussion of that significant passage, see E. Werner, "Notes on the Attitude of the Early Church Fathers towards Hebrew Psalmody" in *Review of Religion*, May 1943, p. 349, where also numerous musical illustrations are quoted.

with those of Plutarch, Aristides Quintilianus, and others, to reconstruct the *Tropos Spondeiakos*, the mode alluded to. No. 7 shows the occurrence of that melodic type in Hebrew as well as in Roman and Syrian psalmody. In most of the corresponding examples (see n. III), the final melisms are outstanding and color the cadence much in the same way as in the Hymn of Oxyrynchos. (Cf. *supra* p. 427, 428.)

e. Perhaps the most interesting instance of the Roman policy of balancing Hellenistic and Jewish features against each other is the case of the Lamentations. Liturgically, they belong to one of the oldest strata of Christian worship. Musically, the tradition is variegated, heterogeneous, and not always authentic. Of the numerous versions we select two, both of which occur also in Jewish cantillation:

a) After P. Wagner, *op. cit.*, III. p. 239.

A - leph Quo - mo - do se - det.

fac - ta est sub tri - bu - to.

b)

E - go vir vi - dens pau - per - ta - tem nie - am

in - dig - na - tion e - jus.

Originally, the cantillation of the Yemenite Jews (ex. 9b) was full of the little melisms demanded by the disjunctive accents of Scripture and has been preserved in that form. While the Church has adopted the characteristic mode, it rigidly simplified it and retained only the punctuating melisms of *pausa* and *punctus* ('*Atnah — Sof Pasuk*'). (Cf. *supra* p. 429.)

Again we behold the Jewish gem in Greek setting, as often before. Notwithstanding the obvious melodic identities, the deeper reasons for the Christian modifications must not be overlooked. But it is not possible within the scope of this study

to examine the manifold causes which, in the course of centuries, engendered a kind of stylistic unity within the traditional music of the Churches as well as that of the Synagogue. Here only a theory can be offered without full implementation. That organic unity was forged on the two levels of practical music and theological speculation.

In the realm of practical music (*musica humana*), the two main causes which made for homogeneity of style were (a) the associative power of certain melodic types and (b) the organization of musical notation. In the oldest layers of Church music, we encounter sorts of primitive leading motifs which set the pattern for later compositions. While this development is especially visible in the Gradual-Responses of the Gregorian Chant, an analogous principle prevails also in the music of the Synagogue. The origin of this technique is probably purely musical; it is but natural to imitate older tunes, particularly when they are surrounded by an aura of holiness. Once this practice was established, a further element was added, which lent a new significance to the leading-motifs: they were used to serve as *hermeneutic expressions* of the various texts to which they were applied.¹¹² Venturing a drastic anachronism, one might say: the leading-motifs functioned as "cross references" in the extended liturgies of the Churches and the Synagogue.

In Judaism, the leading-motifs have become so familiar to every worshipper that he automatically associates certain tunes with entire holydays whose liturgy they permeate. The *Missinai* tunes were among the factors which helped to create the unique atmosphere of the Jewish holyday service. While the plainsong never reached this unity of style, there is evidence enough that it was aspired to and in certain forms also achieved, notably in the Roman Gradual-Responses, the Greek *εἱρμοί*, and the Syrian *enyane* and *riš-qole*.¹¹³ The influx of the various ethnic groups and of their tunes prevented the Gregorian Chant from

¹¹² Cf. my article on "Leading Motifs in Synagogue and Plain Song," *supra* n. 110.

¹¹³ Cf. P. Wagner, *op. cit.*, III., p. 376 ff.: "The technique of wandering melisms is an ancient heritage of Synagogue psalmody"; *ibid.* p. 396. On the *hirmoi* and the related Syrian forms, see G. Reese, *op. cit.*, pp. 66, 78 ff.

becoming completely homogeneous; but it obviated also a potential monotony. The more nationalistically-minded Byzantine and Syrian Churches did not fully escape that monotony. Judaism, on the other hand, avoided such sameness of style due to its migrations and its various regional *minhagim*.

The other factor contributive to the unification of musical style was undoubtedly the notation. We meet here with a situation not at all unique in the centuries of slowly disintegrating antiquity. While the Greeks had developed an exact system of musical notation, it had been so completely forgotten, that in the seventh century Isidorus Hispalensis could write: "Unless tunes are preserved by memory, they perish, since they cannot be written."¹¹⁴ Yet the Oxyrynchos hymn was written in the Greek notation as late as the third century. As in other fields of culture, most of the accomplishments of Greek music were thrown overboard by zealous religious, and perhaps ethnic fanatics who had arisen in and with Christianity. To be sure, a new notation had to be organized; but it did not begin where the Greeks had left off. Its oldest documents can be traced to the seventh century, and there were probably earlier attempts.¹¹⁵ Still, there remains a lacuna of almost three centuries, which we are unable to bridge.

It is not surprising that the new system was vastly different from the Greek conception, for it had to serve another purpose. The Greek notation had to define each tone, since its music was syllabic-rhythmic, and its phrases not melismatic. The Church required a method by which the most venerable element of liturgical music could be fixed, namely the cantillation of the scriptural lesson and psalmody. The Greek system, with its minute description of every tone, would have proved very cumbersome, had it been applied to the new task. *Phrases* or *syntactic units* had to be provided with notation, not individual

¹¹⁴ In Gerbert, *Scriptores de musica sacra* I, 20 a: "Nisi enim ab homine memoria teneantur, soni pereunt, quia scribi non possunt."

¹¹⁵ The notation of the Cod. Ephraemi Syri, (Nat. Libr., Paris, Greek div. Cod. resc. 9) is, according to recent examinations, considerably younger than the text of the palimpsest, which originated in the 5th century. Cf. C. Hoeg, *La Notation ekphonétique*, Copenhagen, p. 107/8/

syllables. Hence the ecphonetic origin of the Greek and Roman neumes. Indeed, the primitive neumes, which stood for entire phrases of both text and music, were much more practical for their purpose than any other system.

It was O. Fleischer who in his *Neumenstudien* proved indisputably the common origin of the Hebrew, Armenian, Hindu, Greek, and Roman systems of accentuation. F. Praetorius investigated the origin of the Hebrew *Te'amim*, claiming that the Massorites borrowed the ecphonetic system from Greek evangelists. He offered no real proof for this contention.¹¹⁶ Since Kahle's penetrating studies (*Masoreten des Ostens* and *Masoreten des Westens*) we know that the relations were by no means that simple and onesided. According to his theory, a Nestorian school of scribes and exegetes was the first to set up a system of ecphonetic signs applied to Scriptural texts. He also suggests an interrelation between the Nestorians and the Rabbinic academy at Nisibis.¹¹⁷ That there existed an intimate connection between the Syrian and the earliest Hebrew accents cannot be doubted, since their similarity is evident. Unfortunately the musical tradition of the Syriac accents had been lost for many centuries, as we learn from Bar Hebraeus.¹¹⁸

In my study on "Musical Punctuation," the theory was presented that the earliest Masoretic accents were a combination of signs borrowed from the contemporaneous Syriac system and the older Hebrew cheironomic tradition. Be that as it may, Syriac and Hebrew elements must have played a decisive role

¹¹⁶ Cf. F. Praetorius, *Ueber die Herkunft der hebraeischen Akzente*, and Reply to Renee Gregory, Berlin 1901/2. See also E. Werner "Preliminary notes . . . on Catholic and Jewish Musical Punctuation" in HUCA 1940, p. 338 ff.

¹¹⁷ Cf. Cassiodor, *De inst. divin. litterarum* in PL 70, 1105: . . . "sicut apud Alexandriam multo tempore fuisse traditur institutum, nunc etiam in Nisibi civitate Syrorum ab Hebraeis sedulo fertur exponi, collatis expensis in urbe Romana professores doctores scholae potius acciperent Christianae . . ." See also P. Kahle, *Masoreten des Westens*, p. 52.

¹¹⁸ Cf. Moberg, *Bar Hebraeus' Buch der Strahlen*, II p. 108; also Th. Weiss, *Zur ostsyrischen Laut- und Akzentlehre*, 1935, p. 29 ff. Also E. Wellesz, "Die byzantinischen Lektionszeichen" in *Zeitschrift fuer Musikwissenschaft* 11, 1929, p. 527; and E. Werner, *op. cit.*,¹¹⁶ p. 339.

in the genesis of the new ecphonetic system which became the starting point of our modern musical notation.

Once again, the course of events followed the general pattern: pure Greek culture was abolished, and the new conceptions, on which the entire development of Church music depended, came from Aramaic-Hebrew sources. And again we realize how the Asiatic raw material was polished and rearranged by the application of Greek methods. They systematized but also mutilated the originally syntactic function of the Semitic notation, yielding to the ever increasing demands for exactitude and precision. The decisive break with the principle of ecphonetic notation occurred with the introduction of the first horizontal staff in order to define an exact musical pitch, a *note fixée* for the early neumes. This happened in Western Europe some time in the ninth century.¹¹⁹ Neither the Byzantine nor the Syriac nor the Hebrew systems followed Rome in this ingenious adventure: their neumes retained their primitive phrasing character almost to this day. Had it not been for the didactic manuals for the choristers (*Papadikai*), the Byzantine neumes would today be as undecipherable as the Syriac system whose signs lost all meaning once the oral tradition had disappeared. A somewhat better knowledge is preserved of the old Armenian system which, in numerous points resembles the early Masoretic accents.

The individual systems of notation — Hebrew, Byzantine, Syriac, Roman, etc. — contributed much, by isolating their music from that of other Churches, to a crystallization of the style, of which they are a part. It is perhaps not an idle speculation to contemplate the course of musical history, if there had not been ten systems but only one system of notation. It is a safe guess that, in such a case, the Oriental forces would be much more in evidence than they are today. For, during the first millenium of Christianity, wave after wave came from Asia throwing men, ideas, and traditions on the shores of Europe. We can appreciate

¹¹⁹ The Latin neumes borrowed a good deal from the primitive grammatical accents (which served as models for some of them) and the Byzantine and Hebrew accents. But the relationship is rather complex. While, e. g., the Latin *quilisma* equals the Byzantine *κύλισμα* which in turn is identical with the Hebrew *šalšelet*, their functions are clearly different.

such a hypothetical case in the history of art where no barrier of language or notation isolated the East from the West. The Basilika, the Romanesque style, the Mosaics of Ravenna, the Christian manuscript illustrations of the first seven centuries — all these came from Asia and were transformed in the Mediterranean orbit, not always to their advantage.¹²⁰ The policy which governed these transformations and pseudomorphoses, however, was determined on the highest level, the dogmatic-religious.

*The Attitude of the Authorities in Academy,
Synagogue, and Church.*

In the intellectual world of declining antiquity, there was considerable controversy about the nature and the true purpose of music. These discussions took place in the sphere of a philosophy which considered music in terms of either a science or a moral power. We know of only a few deviations from this general path, and these originated chiefly in Syria and Palestine; Philodem of Gedara and the Syrian Jamblichos do not quite fit into the musical philosophy of the Hellenistic era. To the men of the Academy as well as to the Neo-Pythagoreans and the Neo-Platonists, music was an abstract *episteme* which, if applied wisely and correctly, could lead the adept into the highest spheres of metaphysical knowledge. Hence music was considered by these thinkers a cathartic force.¹²¹ Few of these men knew much about Jewish doctrines and customs; and it is characteristic that even Plutarch likened the God of the Jews to Dionysos, seriously believing that the "feast of drawing water" during Sukkoth was a kind of Bacchanalia.¹²² Jewish music, too, seemed to him bacchic and orgiastic, and consequently unacceptable from the philosophical or ethical point of view. Nor

¹²⁰ Cf. J. Strzygowski's monumental work "*Asiens Bildende Kunst*," p. 715 f., also p. 501 ff. See also the same author's "Ravenna als Vorort aramäischer Kunst" in *Oriens Christianus*, N. F. V. 83 ff.

¹²¹ Cf. Werner-Sonne, *op. cit.*⁸⁷, p. 274 ff.

¹²² Plutarch, *Quaest. conviv.* IV, 5-6. Also in Reinach, *Texts d'auteurs Grec et Romains relatif au Judaïsme*, p. 144: "εἰκὸς δὲ Βακχεῖαν εἶναι τὰ ποιούμενα."

was he the only writer of the time who felt so; it would be easy to duplicate his remarks by quotations from many lesser authors.

In general, the attitude of the Hellenistic philosophers showed a Janus-Head. One side viewed music as a science, like any other, to be taught by rational methods. It had certain links with the order of the universe and with its microcosmic reflection, the human soul. This is the Pythagorean conception. The other side emphasized the more elemental, emotional forces of music in connection with its supposed magical powers. This is the Orphic-Dionysic ideology. At the very end of the Hellenistic era, a great philosopher attempted a synthesis of both concepts. Plotinus wrote:

"The tune of an incantation, a significant cry, . . . these have . . . power over the soul drawing it with the force of . . . tragic sounds, for it is the reasonless soul, not the will or wisdom, that is beguiled by music, a form of sorcery which raises no question, whose enchantment, indeed, is welcomed . . . Similarly with regard to prayers: the powers that answer to incantations do not act by will . . . The prayer is answered by the mere fact that part and other part (of the cosmos) are wrought to one tone like a musical string which, plucked at one end, vibrates at the other also."¹²³

The entire history of music could be represented as an incessant struggle between these two conceptions, the Orphic-tragic (Romanticism) and the Pythagorean (Medievalism, Classicism). In the music of the Church, these two conceptions are frequently at odds. Still, it is not possible simply to identify the Orphic-Dionysic style with the Orient, the scientific Pythagorean with the West; for both come from Asia and both have been assimilated by the Occident. For example: the inclusion of musical science in the Seven Liberal Arts did not, as generally assumed, originate in the Western orbit, but in Nisibis, as Th. Hermann had demonstrated.¹²⁴

¹²³ Cf. St. Mackenna, *Plotinus on the Nature of the Soul*, (Fourth Ennead), 1924, p. 96. The metaphor of the string is borrowed from Philo, *De Somn.* III. 212.

¹²⁴ Against P. H. Lang, *Music in Western Civilization*, p. 59. The author includes Greece and even the oldest strata of plainsong in Western Civiliza-

The Rabbis were not influenced by these speculations to a very great extent. To them music was either a מלאכה, an occupation, or a חכמה, a science.¹²⁵ As an art it had only one legitimate function: to praise God. As a science it was part of the propaedeutics, analogous to the Western *quadrivium educationis*, together with mechanics, astronomy, optics, and mathematics.

Concerning the music of Hellenism, the Rabbinic position was unequivocal: they viewed it with the greatest suspicion, rightly connecting it with the orgiastic cults of Asia Minor. The statement that Greek tunes had caused the apostasy of a famous Rabbi, quoted above, speaks for itself.

The early Church held, at least in the first two centuries, exactly the same principles as normative Judaism. But under the impact of Eastern Gnosticism and philosophic Hellenism it had to modify its rigid position. Yet it was a well-planned, strategic retreat, and sight of the ultimate goals was never lost.

The first weakening of these principles concerned instrumental music. In Byzantium, where the Emperor was *de facto* the head of the Church, kitharody survived and later on the organ conquered the court if not the liturgy. In fact, the organ was considered the secular instrument *par excellence*. The clergy, however, opposed its use in church and consequently no documents of instrumental music have survived in Byzantium.

Another instance of the flexible policy of the authorities is the case of non-scriptural hymns. Although the Council of Laodicea had banned them, they had a strong revival and eventually became the greatest contribution of the Eastern churches to Christian liturgy.

A characteristic aspect of that complex evolution is reflected in the varying viewpoints of the ecclesiastic authorities with regard to Jewish forms of prayer and song. In contradistinction to the generally expressed veneration for the Psalter or the canticles of the OT there were warnings not to relapse into

tion but neglects entirely the oriental basis of the whole mediterranean culture. Cf. Th. Hermann, "Die Schule von Nisibis vom 5.-7. Jahrhundert" in *Zeitschrift fuer neutestamentl. Wissenschaft* XXV, 1926, p. 89-126.

¹²⁵ See *supra* n. 121, *op. cit.*, p. 272 ff.

modum Judaeorum precandi.¹²⁶ Diodorus of Tarsus, a learned monk, complained bitterly that the Church was imitating Jewish songs and asked of what use the many Hebrew words and Psalmodies could be.¹²⁷ Chrysostom also assailed the Jews because of their instrumental music in the Temple, which in his opinion was only a divine concession to their weakness and stupidity. He warned Christians against imitating Jewish practices and customs.¹²⁸

Nor is that all. The great Eastern authors all seemed to fear the spell of Judaism. In all of their apologetic writings, warnings against just such temptations were sounded. During the incessant schisms within Eastern Christianity, no terms of abuse were so common as "Judaizer" or simply "Jew."¹²⁹

This apprehension is absent in the leading circles of the Western Church. The Popes, Damasus and Coelestine championed the psalmodic forms, especially the responses and antiphones, borrowed from Jewish tradition.¹³⁰ We have already seen that Damasus imported Jewish singers to the Occident;¹³¹ and Jerome encouraged St. Paula to study the Hebrew language. She achieved such a mastery of Hebrew *ita ut psalmos Hebraice caneret*.¹³² Apparently the Western authorities did not feel the need of impugning the survival of Jewish traditional forms in the liturgy of the Church. This more tolerant attitude was due to two causes of entirely diverse nature.

In the first place, the Roman Church was much more conservative than the Eastern sects. This fact is reflected in its whole tradition and is well-known to every student of comparative liturgy. Since the oldest forms are all of Jewish origin, they have

¹²⁶ Cf. Cyrill of Jerusalem, *Catech. Mystag.* V, PG 33, 1118 ff.

¹²⁷ Diodor of Tarsus, in Harnack, *Texts und Untersuchungen, Neue Folge*, VI., p. 35.

¹²⁸ Cf. Chrysostom, *Homily in Ps.* 150, (PG 55, 497) and *In Ps.* 149, 2, (PG 55, 494.)

¹²⁹ Cf. J. Parkes, *The Conflict of the Church and the Synagogue*, p. 300 ff.

¹³⁰ PL 128, 74; 225; also Jerome, *ep.* 20 *Ad Damasum*.

¹³¹ See *supra* p. 432.

¹³² Jerome, *ep.* 108, in PL 22, 902. Even Thomas Aquinas praised the ancient Jewish practice of psalmody although he opposed the use of instruments "lest the Church become judaized." *Summa* 2, 2; quaest. 91, art. 2).

survived in the Latin Church by virtue of its consistent traditionalism. The intonations of the Hebrew letters *Aleph*, *Beth*, etc. at the beginning of the verses of Lamentations, or the correct (non-Latin) accentuation of Hebrew proper names in the Gregorian chant are proofs of that inheritance. In the second place, a danger was absent in the Western orbit which beset many of the Asiatic Churches: The close proximity of great Jewish centers, whose eruditional and numerical powers were feared as inducements to Judaizing. Dr. James Parkes sums up this antagonism in the following words:

"The only explanation of his (Chrysostome's) bitterness . . . is the too close fellowship between Jews and Christians in Antioch It must be recognized that the ways of thinking of Jew and Christian were very similar The Jews of the East were in a much more powerful position than their Western brethren for influencing their neighbors. Europe at this period contained no great intellectual Jewish center. Jewish scholars were largely concentrated in Palestine and Babylon."¹³³

Certainly the Roman Fathers were in no way more tolerant than their Eastern colleagues when it came to *actions* against the Jews. But they were more conservative in matters of liturgical tradition and less perturbed by the threat of Jewish influence. Besides, the Eastern Christian population was more familiar with, and therefore more positively opposed to, Jewish customs and institutions.

THE FORCES

A. *Static Forces*

While this disquisition deals mainly with music of religious character, it would be a mistake to neglect secular impulses which have often, in ecclesiastical disguise, determined the style of whole liturgies. It is, to quote just one instance, quite impossible for a student not to recognize the difference between Eastern and Western theologians. Although they belonged to one Church before the schism, their ways of thinking were vastly

¹³³ Cf. J. Parkes, *op. cit.*, p. 164, 274 ff.

disparate. Thus, the dialectics of a Syrian Church Father resemble much more the midrashic or talmudic style of reasoning than the more factual Latin argumentation, notwithstanding his violent contempt for everything Jewish.

We shall now seek to show the static tendencies at work. They were sometimes of ethnic or local character, sometimes reflecting the usual conservatism of religious authorities.

These tendencies were strongest in the Roman and Armenian Churches. This is evident in the preservation of the oldest musical strata side by side with more recent features. In Rome, this conservatism was due to the statesmanlike policy of the Church which held the ethnic forces in balance. Only during a period of transition did regional traditions arise, such as the Gallican, Mozarabic, or German, in the fields of liturgy or musical notation. Finally they all were superseded by the centralizing policy of the Roman Hierarchy.

Here a basic fact should be observed, important for the understanding of musical history: the Roman Church created in its liturgy the monumental framework which subsequent centuries filled with an abundance of artistic forms. As soon as the level of art music was reached, the different styles of it reflected the varying tendencies of the periods. Gothic, Renaissance, Barock, Classicism, and even Romanticism could evolve and express themselves in Church music. Even the secular music of Europe was fed by the Gregorian Chant well into the 17th century. Yet its foundation remained unchanged.

No such development is noticeable in the Eastern Churches. There the level remained more or less static in the folk-song stage, and no art-music enriched the liturgy. Nor is it possible to discern definite stylistic changes or evolutions. This cannot be due to the divergent organization or theology of the Churches, since none of them, not even the Roman enclave in the Near East, has ever created or performed any art-music comparable to the European accomplishments. The conclusion is inevitable that not religious or dogmatic principles but *ethnic* forces determined the stagnation in the East, the evolution in the West.

The very same partition goes through Jewish liturgical music.

The musical style of the oriental and Levantine Jews remained stationary and only in exceptional cases rose above the level of folklore. European and especially Ashkenazic Jewry accomplished its first artistic creations in the *Missinai-tunes* of the late Middle Ages.¹³⁴ Subsequently, the liturgical music of European Jewry reflected in its course most of the tendencies and stylistic changes of the Christian Church music.

Returning to the Eastern Churches, we find in the music of the Armenian Church a decidedly folkloristic character, quite unlike the Gregorian Chant, where every folk song was subjected to consistent stylization. The terminology, notation, and rendition of Armenian psalmody are akin to Hebrew cantillation in its earliest stages. Other phases of Armenian sacred music reflect the manifold features of its turbulent national history. Byzantine, Syrian, Turkish, and Russian elements were molded into a not too homogeneous popular style.

The West Syrian Churches successfully resisted the sway of their Arab environment, at least in their musical traditions. Their chants represent a decidedly older and differently organized style than those of their Arab neighbors. Again the Church was the preserving power, in this case supported by the ancient cultural bonds with Byzantium and Palestine.

Quite different is the nature and history of the Nestorian liturgy and its music. Its oldest sources, foremost its calendar and its lectionary, show traces of very ancient and authentic tradition.¹³⁵ The musical influences, as far as they can be determined, seem to be more secular than ecclesiastic in origin. It is

¹³⁴ These, in turn, betray certain traces of Burgundian composers of the 13th-14th centuries. On the other hand, the liturgy of the Church absorbed Jewish ideas well up to the 12th century. This can be seen in the sequence "Dies irae," whose substance is all but identical with the *piyyut* וְנִתְּנָה חֶקֶף חֶקֶף. Both have a common root, probably an Aramaic *Seliḥah*, which entered the Byzantine liturgy on the Christian side, and the Ashkenazic liturgy on the Jewish side. Cf. A. Kaminka, "Der Kirchenhymnus *Dies irae* und seine Beziehungen zu hebraeischen Bussgebeten" in *Freie Jued. Lehrerstimme*, IV., p. 67.

¹³⁵ Cf. A. Baumstark, *Nichtevangelische Syrische Perikopenordnungen des ersten Jahrtausends*, in *Liturgiegeschichtliche Forschungen* III, Muenster 1921, ch. III. See also the identities 9a, c, and 10a, b, *supra* p. 429!

Iranian culture, whose superior creative power slowly squeezed out of East Syrian Christianity the more systematic but weaker Byzantian forces, and this in spite of the great tradition of the Nisibis Academy. Here local perseverance prevailed over the infiltration from the West. True, Nestorian doctrine and liturgical forms are Christian; but, under the surface, old Iranian ideas were at work for many centuries.

While the Persians had a musical culture of their own, it was neither highly developed before the Arabian epoch nor was it supported by the Iranian Mazda religion. The Persian kings had to import music and musicians; even the crown-prince Bahrām Ghūr (ca. 430) was sent by Yezdegerd I to the Arabian Lakmid court, in Al-Ḥīra, to be educated in music.¹³⁶ Later on the young prince colonized ten thousand singers and dancers "from Hindustan all over the country."¹³⁷ Thus Persian civilization does not seem to have created as much music as sculpture or architecture. This lack becomes conspicuous in Christian worship where the Syrian liturgy is celebrated by and for a semi-Persian population. We have already mentioned the great academy at Nisibis where Scripture and its interpretation were scientifically studied.¹³⁸ Its founders were Bar Saoumā and Narsai, both Syrians.¹³⁹ Narsai's liturgy and homilies lack almost all references to singing, excepting the cantillation of Scripture. Even the *Sanctus* is, in his

¹³⁶ Cf. H. G. Farmer, *Historical Facts for the Arabian Musical Influence*, p. 52. It is here that the recent findings of Iranian art would let us expect parallel discoveries in music. But these expectations have not been fulfilled as yet and are not likely to be realized. The reasons are manifold, and not only lack of musical notation. E. Wellesz, following Strzygowski's ingenious lead, promised decisive musical discoveries through careful study of Manichaean-Soghdic manuscripts. Yet these manuscripts originated in a time, when Byzantians, Armenians, Romans, and Jews had already well developed their respective ecphonetic notations. Beyond this nothing has been established to vindicate the great hopes which were set upon Iranian music.

¹³⁷ Cf. H. G. Farmer, *op. cit.*, p. 271, quoting Mirkhwand "*Raudat al-Safa*" I. II. 357. The Persian text in *Histoire des Sassanides*, Paris, 1843, p. 217.

¹³⁸ E. Sachau, Die Chronik von Arbela, p. 91 ff., in *Sitzungsberichte der Preussischen Akademie der Wissenschaften, Hist. Phil. Klasse*, 1915.

¹³⁹ *Ibid.* p. 86. Cf. also Chabot, (Schola Nisibena) in *Journal Asiatique* 1896, vol. 8, p. 43 ff.

liturgy, a curt answer of the people. Edmund Bishop makes this pertinent observation:

"It is only necessary to read the early chapters of the first formal Western treatise on liturgy, the *De officiis ecclesiasticis* of St. Isidor of Seville, to see how great is the contrast. The note of Church song is continually struck, and singing in one form or another is dwelt on by him again and again. It is hard to believe that, if singing had been any prominent feature in the celebration of the East Syrian Mass of Narsai's day, that rhetorical writer would have passed it over in silence. It seems much more probable that both he and Isidor spoke naturally and that each renders, the one by his reticence, the other by his abundance, the actual state of things around him."¹⁴⁰

The cause for that silent type of worship, in which the *κοινωνία* apparently did not play a great part, is probably Mazdaism and its individualistic-esoteric liturgy. All this was anti-Hellenic and anti-Jewish propagated by the Sassanides.¹⁴¹

The Nestorian Church was surrounded by adversaries. Considered heretic by the Syrian and Byzantine Church, it felt the hard rule of the Sassanide dynasty which attempted to impose Mazdaism upon it, and in its turn, it looked upon the Jews of Mesopotamia as its enemies, theologically and nationally. Cantillation of Scripture, the oldest musical tradition, was preserved while new elements, due to constant internal and external pressure, could not survive.* The theology was under the spell of the West, its liturgical forms under the influence of the East, chiefly Iran. This antinomy of forces, theological doctrine vs. folk custom, resulted in a stalemate and ultimately in the century long stagnation of Nestorianism.

¹⁴⁰ Cf. Dom R. H. Connolly and E. Bishop, *The Liturgical Homilies of Narsai*, in *Texts and Studies*, vol. VIII., p. 117, Cambridge 1916.

¹⁴¹ C. Sachs' statement "The Persians had been under strong Hellenistic influence until the dynasty of the Seleucides (226-641) brought a nationalist Anti-Greek reaction." (*Rise of Music in the Ancient World*, p. 278) is wholly understandable to me. I suppose the author had the Sassanides in mind., when he wrote "Seleucides." I suspect that the Iranian cult of the *chthonic* deities, which must be adored in silence, was the reason for the lack of music. Cf. F. Cumont, *Oriental religions*, p. 151 ff.

* Note the resemblance of ex. 10 d and 10 e (p. 430) (instances of cantillation).

B. Dynamic Forces

After the collapse of the West Roman *imperium*, only one great state was capable of carrying the banner of Christianity through the ruins of the old Commonwealth, namely, Byzantium. The Roman Church limited its activities in Europe to missionary tasks until the tenth century, while Byzantium expanded northward and its Church conquered Russia. Byzantine liturgy and music became the pattern of the Russian Orthodox Church.

Its music displays, besides old slavonic features, both Hellenistic and Jewish traits. The bulk of the *Známenny Rospév* (orthodox song) is syllabic, like Hellenistic and early Byzantine music, but final melisms, borrowed from psalmody, occur regularly. The modality corresponds to Byzantine and to Western Oriental systems.¹⁴² This also holds true for other slavonic Church music, in particular for Macedonian and Bulgarian Chant. There we encounter even the Hellenic-Jewish *Tropos Spondeiacos* alluded to by Clement of Alexandria.¹⁴³

There is still another element common to the music of Byzantium, of the Arabs, Turks, South East Russians, and of the Eastern Jews: the Phrygian Mode with augmented second. The Arabic *maqamat Hijāz* and *Husseini* contain this characteristic interval, and it is equally familiar in Turkish folk songs, Byzantine, and Russian chants. The Eastern Jews believe — erroneously — that this mode, called *Ahava Rabba*, originated in Palestine in pre-Christian times. We do not know the actual source of that expressive mode, but there are many indications that it is not very old, possibly not older than the invasion of the Turks in the twelfth century.

Under the cloak of Hellenistic scholarship, Byzantium succeeded in transmitting a good deal of its musical practice to the Western Church. Today some scholars are convinced that also the western system of the eight Church tones evolved in Byzantium, before it was transmitted to, and transformed in, Italy and France. If the western structure of Church tones came via

¹⁴² Cf. P. Panoff, *Die altslavische Volks- und Kirchenmusik*, in Buecken, *Handbuch der Musikwissenschaft*, p. 14.

¹⁴³ See *supra* p. 422, also the examples 16, 17, 18, 22 in Panoff's work.

Byzantium, it certainly did not originate there; no Middle-Greek treatises on music prior to the eleventh century are extant. The little we do know of their musical theories has reached us through Syriac, occasionally through Arabic sources. The main feature of that system, the eight Church tones, occurs first in Syriac sources where it had an originally liturgical connotation.¹⁴⁴ Farmer has investigated some of these sources and has reached the conclusion that Syrians, Jews, and pre-Islamic Arabs shared the theory of modality and stimulated its systematization.¹⁴⁵

This writer came to the same conclusion when he found that some of the most important terms of Byzantine musical theory, the *enechemata*, were borrowed from the Hebrew. They were paradigms, used for the different modes of final or punctuating melisms, mostly words derived from the Hebrew *Nin'ua'*. Also in Hebrew, the word has a musical significance.¹⁴⁶

Here we are confronted with one of the thorniest problems of musicology: namely the genesis of the *Octoechos*, or the principle of the eight modes of the Church. An extensive research of this question would warrant a voluminous study and reach far beyond the scope of this article. Nonetheless, the problem is of such great consequence, that a brief excursus is mandatory.

In modern musicology, there are three principle trends of thinking with regard to this subject: (1) The older view, as represented by Gevaert, Reinach, Jeannin, and most of the French scholars. These consider the Syro-Byzantine conception of the eight modes a natural derivation from the classic Greek system of the *harmoniai*. (2) In sharp contradistinction thereto, R. Lachmann, A. Baumstark, K. Wachsmann, and H. G. Farmer emphasise the liturgic-cultic origin of the Syrian *Octoechos* and doubt, at least as regards the first five centuries, a decisive Greek influence upon the modality of pre-Gregorian chant which, in their opinion, was almost wholly Oriental in form and substance.

¹⁴⁴ Cf. E. W. Brooks, *James of Edessa*, p. 6; the Hymns of Severus of Antioch, in *Patrologia Orientalis*, VI, 1911, and VII, 1911, p. 759-802.

¹⁴⁵ Cf. H. G. Farmer, *op. cit.*, pp. 55, 60, 163/4, 307.

¹⁴⁶ Cf. E. Werner, "The Psalmic Formula Neannoe and its Origin," in *Musical Quarterly*, Jan. 1942, p. 93 ff.

(3) A mediating position is held by scholars like Curt Sachs, Peter Wagner, E. Wellesz, G. Reese, U. Bomm and others, who assume that the systems of all modes were the results of constant repetition of certain melodic formulae. These passages of sacred folk-lore crystallized in the course of centuries to fixed phrases, the nuclear cells of the modes. These were then superimposed upon recurrent liturgical rubrics and connected (erroneously!) with the Greek *harmoniai*.¹⁴⁷

With due deference to the fine work of these scholars, I venture to say that an important aspect of the problem has been neglected altogether, namely, the link which connected music with popular superstition and magic. It was certainly not the Neo-pythagorean speculations about corresponding proportions between the Universe, music, and soul that created the eightfold modality of the Church tones. Their ideas, subtle and even sublime as they were, lacked popular appeal and, foremost of all, practical applicability. Simple popular belief and superstition, on the other hand, displayed much greater vigor and has, at all times, been a fertile soil of popular art.

In ancient and in medieval times, the number eight held great musical significance throughout the Orient, *quite aside from the conception of the octave*.¹⁴⁸ The Psalter knows the term *She-minith*. Was it an instrument with eight strings? We do not know. It might have been a mode or a system of modes, as rabbinic literature seems to indicate. These early medieval authors derived the eight (or seven) modes from the eight (or seven) "voices" of God mentioned in Ps. 29. The eightfold alphabetic acrostic of Ps. 119 was rendered in responsorial fashion. Cantor and congregation alternated seven times, but each eighth verse was finished in melismatic cadence. Saadya Gaon, in his commentary upon the Psalms (in Arabic) states, while discussing Ps. 6.1, that there had been eight modes of psalmody. Some more instances are cited in Steinschneider, *Hebrew Liter-*

¹⁴⁷ A good bibliography on the question in G. Reese, *op. cit.*, p. 422-3; also K. Wachsmann, *op. cit.*, p. 78-100.

¹⁴⁸ Even in classic Greek terminology the term *διὰ πασῶν* shows no reference to the number 8. The same holds true of the Arabic term *bill-kull* which is a literal translation of the Greek *διὰ πασῶν*.

ture, p. 536 f.¹⁴⁹ Jews and Arabs knew even of eight *rhythmic* modes. There it is quite obvious that the number eight was artificially imposed upon the rhythmic modes since, for rhythm, an equivalent to the octave does not exist. In the *Ikhvan es-Safa*, (ninth century), we probably have the clue to the prevalence of the number eight. According to the *Ikhvan*, eight is the perfect number for music and astronomy.¹⁵⁰ Among the Syrians, the term *Octoechos* occurs first as a liturgical designation for eight successive Sundays after Pentecost; only later on it assumed a musical connotation. Was the liturgical *Octoechos* a remnant of an older extended *Pentacontad*, such as the East-Syrian Nestorians and the Armenians have preserved in their calendars?

It is generally known that the number four, too, is of outstanding musical value. The Greek *tetrachordon* is just one aspect of many, when we consider the manifold folkloristic relations between the four humors, seasons, temperaments, colours, elements, animal tendencies, etc., to music, which were fully familiar to the peoples of the Near East.¹⁵¹

In view of these facts, I am convinced that the numbers four and eight were understood as musical *a priori* by everybody, not only by intellectuals. Perhaps the division of the octave into eight tones and two tetrachords was already *a consequence* of that primitive belief in the numbers four and eight. Actually, numerous other divisions of the octave are known to comparative musicology. Once the modes were systematized, the numbers four and eight dominated the entire system. Thus, we may yet find a common popular root for the two tetrachords, the eight *harmoniai*, and the *Octoechos*.¹⁵²

¹⁴⁹ Cf. Werner-Sonne, *op. cit.*, I, p. 297 ff. and II. 552.

¹⁵⁰ *Ibid.* I. p. 298, n. 155.

¹⁵¹ *Ibid.* I. p. 276 ff.; also H. G. Farmer *Sa'adyah Gaon on the Influence of Music*, p. 9, tabulation "The Fourfold Things." This conception was already familiar to Ambrose, for we read in *De XLII Mansionibus Filiorum Israel*: "Quaternioni enim sunt omnia, punctum, linea, superficies, et soliditas, mensurae universorum. Insunt etiam potissimae symphoniae musicae." (PL 17, 12.) Whether he refers here to the first four overtones, or to the *tetrachordon*, or to the four *harmoniai*, is not quite clear.

¹⁵² The significance of the numbers 4 and 8 in the musical culture of many lands cannot be based upon mathematical divisions of strings or other in-

The theory of modality proved to be one of the strongest progressive forces in the development of European music up to the time of the Renaissance. Without it, no harmony or polyphony would have come into being. And again we observe Jewish and Syrian ideas receiving the final formulation via Byzantium, through the remainders of Hellenistic scholarship, and through Roman systematization.

C. Results and Prospects

Concluding our investigation, it will not be amiss to cull the chief fruits.

1. The post-Biblical hostility of Rabbinic Judaism toward all instrumental music was not so much an expression of grief over the loss of the Temple and land as a policy of defense for Judaism against pagan cults, particularly against the orgiastic mysteries of Asia Minor, wherein certain musical instruments were recognized attributes of the deities.

2. The very same reasons caused the early Church to view every kind of instrumental music with suspicion, the more so, if that music was of Hellenistic origin.

3. The musical raw material of the Churches was of Hebrew and Syrian origin, except the hymnic forms, a new type created by an intricate interrelation and interreaction between the Syrian and the Hellenistic spirit.

4. The systematization of all of these forms was the result of century-long work done by European theorists, yet the principles of the various systems again originated in Palestine, Syria, and Mesopotamia. The modal conceptions of the Near East were confused with the Greek *harmoniai*, resulting in a highly artificial structure of Church tones into which the old tunes frequently do not fit.

struments, since we find this conception likewise in rather primitive vocal tradition. The inference is that these numbers represented the elements of music based upon popular (superstitious) belief. Later on the musicians used these numbers for the most natural division of their tonal system, and the philosophers rationalized and systematized the popular conception in their cosmic-mathematical speculations.

5. The same development is discernible in the history of musical notation. The earliest systems came from East-Syria, Jewish-Babylonia and Palestine, and were transformed by the Byzantine and Latin Churches in accordance with the various languages and practical needs. The Eastern Churches preserved a few traces of their notation only through an oral tradition or lost that knowledge entirely. Rudiments of the primitive systems are still recognizable in Roman and Greek plainsong.

6. The Western Church was conservative and rigid in its liturgy, while the Eastern Churches were more flexible, except the Armenian and Nestorian. Hence the Roman Church has preserved more Jewish elements, since these belong to the oldest strata. In the Syrian and Byzantine liturgies the chief forms are syllabic hymns; in the Roman realm, psalmodes, responses, and melismatic songs. The Eastern churches reflect more of the influence of Hellenism than the Roman Church does.

7. The liturgy of Judaism developed migrating melisms which, in both Synagogue and Gregorian Chant, occasionally assumed the function of leading motifs with hermeneutic purpose.

8. In the East Syrian Churches, Iranian influence is discernible. Due to Persian indifference towards music, it did not essentially change the Syrian chant, except perhaps for some traits of Nestorian liturgical music.

9. The basic philosophy and esthetics of music originated in Asia Minor and Mesopotamia, certainly before 1500 B. C. These ideas were brought to Greece, there transformed and systematized, and carried back to Asia Minor where they were absorbed by early Christianity and Hellenistic Judaism. Syrians and Jews transmitted these ideas to the Arabs who in turn built upon them their philosophy of music.

10. Under the aegis of the Byzantine Church, the Hellenistic syllabic hymns invaded the Russian liturgy while the old Jewish forms of cantillation, psalmody and melismatic songs were neglected in it.

All that remains is for us to outline a sketch of some of the tasks still to be performed. We shall not really understand the tremendous waves of incipient and decaying cultures at the break-

down of antiquity, unless we know more of their creations. *Saxa loquuntur*: but that language is not always unequivocal! Only if we possess historical, literary, artistic, and musical documents of these great civilizations, shall we be prepared to evaluate their heritage and what was worthy of becoming a heritage.

In our field three unsolved, interrelated problems loom in the background of all investigations: the musical sources of ancient Iran, the music-theoretical documents of the pre-Islamic, non-Christian Near and Middle East, and a comparative study of the Armenian Church music, wherein the historical and liturgical aspects are not to be neglected. Important spade-work has been done in all three fields and we may look forward to significant discoveries in the near future which are bound to shed much new light upon a hitherto obscure subject, the interrelation between Judaism and the churches of the East.

THE MAIMONIDEAN CODE OF BENEVOLENCE

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THE Maimonidean Code of Benevolence occupies chapters seven to ten of the *Matnot 'Aniyim*. The *Matnot 'Aniyim* forms the second division of the grouping *Zera'im*, and *Zera'im* constitutes the seventh section of the *Mishneh Torah*. It is our purpose to scrutinize the material in chapters seven to ten of the *Matnot 'Aniyim* with a view to determining the relationship of Maimonides to his sources.

I. THE PROBLEMS

In his letter to Phinehas b. Meshullam, *Dayyan* of Alexandria,¹ Maimonides declares that his code rests upon the Babylonian Talmud, the Palestinian Talmud, Sifra, Sifre, the Mishnah, and the Tosefta. Essentially the same statement occurs near the end of his preface to the *Mishneh Torah*. In the present article, we shall, for the sake of brevity, let the adjective "Talmudic" cover Sifra, Sifre, Mishnah, and Tosefta as well as the two collections which have the noun "Talmud" in their titles.

Maimonides then apprises us that he appropriates material also from the "Gaonim." But "Gaonim" does not mean with him what it means with us. Maimonides applies the term to all post-Talmudic authorities whether resident in Sura or in Pumbeditha or elsewhere. The preface to the *Mishneh Torah* states specifically:

All sages who arose after the composition of the Gemara and who built upon it, achieving repute for their wisdom, are called Gaonim. All of these Gaonim that arose in Palestine, in Babylonia, in France, and in Spain taught the Gemara and brought to light its hidden contents.

¹ *Iggerot Uteshubot Ha-Rambam*, Amsterdam, 1912, p. 19B.

Maimonides further conveys that occasionally he introduces conclusions of his own.²

Then Maimonides announces that he gives specific indication when his statements are of post-Talmudic derivation and also when his statements arise from his own thinking. The passage in his letter to Phinehas b. Meshullam reads:

If something comes from the responsa of the Gaonim, I state explicitly: "Thus teach the Gaonim" or "This is a later ordinance" and the like. If a statement is the product of my own reasoning, I state explicitly: "The matter appears to me thus and thus" or I say: "From this thou canst infer that the matter stands thus and thus."

From this passage it would follow that everything in chapters seven to ten of the *Matnot 'Aniyim* derives from the Babylonian Talmud, the Palestinian Talmud, Sifra, Sifre, the Mishnah or the Tosefta. At no point in these chapters do the words occur: "Thus teach the Gaonim" or "This is a later ordinance" or "The matter appears to me thus and thus" or "From this thou canst infer that the matter stands thus and thus." Apparently our four chapters are devoid both of "Gaonic" material and of Maimonidean originality.

And yet there are barriers to this conclusion. It looks at times as if Maimonides fails to supply the alleged indications of post-Talmudic reference or of recourse to his own opinions *even where such indications are in place*. Furnishing such indications may have been his intent. In various parts of the *Mishneh Torah*, he does furnish such indications.³ But, in the last four chapters

² *Ibid.* On elements of originality in Maim., cf. Lauterbach in the *Jewish Encyclopedia* IX, 85a and Ginsberg in the *Jewish Encyclopedia* VII, 647a, also Louis Finkelstein, "Maimonides and the Tannaitic Midrashim," *Jewish Quarterly Review*, 1935, Vol. 25, N.S., likewise Adolf Schwartz, "Der Mischneh Thorah," in *XII Jahresbericht der Israelitisch-Theologisch Lehranstalt*, Wien, 1904/1905. As recently as Jan. 1947, E. Neufeld, editor of the *London Jewish Forum* observes: "Many decisions of Maimonides must be deemed original and independent" (*The Jewish Spectator*, New York, Jan. 1947, p. 24). None of these authorities qualifies his remarks by adding that Maimonides introduces certain phrases to indicate where originality is being exercised.

³ Examples are *Hilekot Sekirut* II-3, V, 5, *Hilekot Shekenim* XIII-2. The "Gaonim" are cited, for example, in *Hilekot 'Ishut* XIV-14, *Hilekot Malweh*

of the *Matnot 'Aniyim* (and perhaps elsewhere) that intent is not carried out.

There are, for instance, statements in these four chapters for which no Talmudic sources can be found, although there have been several attempts to uncover those references. The best known of these attempts are:

1. The *Kesef Mishneh* of Joseph Caro (1488–1575), famed as a later codifier of the Jewish Law.
2. That of David ben Solomon ibn Abi Zimra (1479–1589).
3. That of the Venice edition published by Giustiniani in 1550.⁴
4. The *'En Mishpat* of Joshua Boas (sixteenth century).⁵

How reliable are these source finders? How adequately do they direct us to the Talmudic origins of the Maimonidean rulings?

We can not escape the admission that the work of these source finders is defective. We have ourselves found sources for some Maimonidean statements for which neither Caro nor Ben Zimra nor the Venice edition supplies any reference.⁶ One of these sources happens to be not Talmudic, in the present sense of the term, but Midrashic,⁷ despite the absence of Midrash from the listing of sources in the Introduction to the *Mishneh*

Weloweh IV–13, XI–11, XII–4. Cf. Adolf Schwarz, "Das Verhaeltniss Maimunis zu den Gaonen" in *Moses ben Maimon* I, 332–410, Gesellsch. z. Förderung der Wissenschaft d. Judenthums, Leipzig, 1908.

⁴ The compiler of these notes is said to have been Joshua Boas who is also the compiler of the *'En Mishpat*.

⁵ The *'En Mishpat*, of course, is not printed with the Maimonidean text as a directive to the Talmud but, conversely, in the Talmudic text as a directive to Maimonides.

⁶ The following are the statements for which we have provided references not supplied by the Venice edition, by Caro, or by Ben Zimra: VII–1, 3B, F, 5A, 6C, 8D, 15C; VIII–3, 8D, 12A, 15B; IX–1A, 5D; X–1A, 4B, 5A, 7A, B, 8D, 17C, 18A, C.

⁷ These Midrashic sources pertain to X–4B and X–5A. Caro seems aware of the Midrashic basis of X–5. However, he refers not to Lev. Rab. XXXIV, 15 but to the Midrash on Prov. 15.17, the story of Solomon's period of beggary. Then, proceeding to quote the Midrash on Prov. 15.17, he does not quote the Midrash on Prov. 15.17 but quotes B.B. 9B/36, 37. The recourse to the

Torah and in the letter to Phinehas b. Meshullam. This leaves us unable to decide, with regard to the passages on which we possess no source-information at all,⁸ whether these passages are devoid of Talmudic or Midrashic basis or whether we would discover their Talmudic or Midrashic substratum if we were to canvass the entire Talmudic and Midrashic literature with sufficient thoroughness.

All of this is complicated by uncertainty as to the meaning of "source." There are numerous paragraphs in which that which Maimonides says is, in part or in whole, not identical with that which the purported source says.⁹ While, at times, these discrepancies are trivial, there are instances in which they are striking.¹⁰ How shall we account for this? Shall we charge that,

Midrash on Prov. 15.17 is exceedingly far-fetched. B.B. 9B/36, 37 comes much nearer to the sense of the passage. The precise sense of the passage in-heres in Lev. Rab. XXXIV, 15.

⁸ Paragraphs for which we have no references at all are X-11, 12, 13, 14. Paragraphs for which we have nothing but a vague reference to Ket. by Ben Zimra in VII-1 are: VII-1, 2. More numerous are the paragraph *portions* for which it was not possible to find a pre-Maimonidean basis. Examples are: VII-7C; VIII-1E, F, 6B, 8D, 11D, 17B, C, D; X-1C, 2A, E, F, 3B, C, 4A, 5B, D, 7A, 16B, C.

⁹ This applies to at least 38 of the 71 paragraphs in these four chapters. We might instance the numerous Biblical quotations contained in these four chapters but not invoked in any of the sources. Examples are to be found in VII-1, 3, 7, 11, 13, VIII-1, 8, 10, IX-10, X-1, 2, 3, 4, 5, 7, 16, 19. The *Toledot Aharon* on these passages divulged no sources pertinent to our present study. In a number of instances, what is a specific case in the source becomes, with Maim., a general rule. Examples are in: VII-10, 12, VIII-2, 5, 8, 14, IX-1, 7, X-9, 10, 15, 18. In VII-7, VIII-6, 7, IX-14, and X-19, Maim. supplies illustrations which the sources do not contain. In VII-3, VIII-1, IX-11, matters which are secondary in the sources become central with Maim. Interpretative expansions of the sources appear in VII-6C, IX-7A, B, X-9C, 16A, 17B, D, 18C. What is only implicit in the sources is made explicit in VII-11A, 12A, C, 14C; VIII-11B; IX-1B, 2A, B, 4A.

¹⁰ Examples of major disparities can be found in: VII-5B, 10B, 11A, B, 12C, 13A; VIII-1C, D, 6B, 17B, C, D, 18C; IX-7A, 17B. In his letter to Samuel Ibn Tibbon, translator of the *Moreh Nebukim*, Maim. sanctions great freedom of rendition that translations might possess elegance and clarity (*Iggerot Uteshubot Ha-Rambam*, Amsterdam, 1712, p. 13A, bottom). It has been suggested that Maim. allowed himself an analogous freedom in the handling of the sources utilized by the *Mishneh Torah*.

in all of these cases, the source finders selected the wrong source? Such an explanation were hard to accept. Our source finders can be presumed to have known not only the Maimonidean sources but also the Maimonidean mentality. The Jewish intellectual world in which they lived was not much different from that in which Maimonides lived. So long as the Talmudic passage to which our source finders lead us resembles the given utterance of Maimonides in some measure, we have no other recourse than to assume that the passage may really have been, with Maimonides, the underpinning for his statement, far though Maimonides may wander from the precise meaning of the passage in question.¹¹

It would follow that, where divergence exists between Maimonides and his purported source, there enters some post-Talmudic interpretation of that source. The interpretation may have been "Gaonic" or it may have been Maimonides' own¹² or it may have been the one in some cases and the other in other cases, the expected phrases of indication being all that we lack.

This may even apply to some of the above-mentioned statements for which all source-information is missing. Our source finders may have viewed the Maimonidean passages as rooted in the same sources as certain passages in neighboring sentences. This would more readily pertain to parts of paragraphs such as vii-7C, viii-1E, F, viii-6B, viii-8D, viii-17B, C, D, x-2E, F, x-3B, C, x-4A, x-5B, D, x-7A, x-16B, C, than to entire paragraphs such as vii-1, 2 or x-11, 12, 13, 14. Imbuing the word "source" with the elastic sense which it here possesses, some of those Maimonidean passages with whose sources we are not

¹¹ See note 15.

¹² Our source finders themselves, particularly Ben Zimra in VIII-2, impute to Maim. some originality of selectiveness and of interpretation. Ben Zimra ascribes to Maim. some originality of interpretation in VII-8, VIII-13, IX-5, 7, 14, X-17, some originality in choice of interpretation in VII-15, VIII-4, 8, IX-16, 17, in the matter of expanding upon Talmudic ideas in VII-12, IX-15, of drawing inferences in VIII-1, of rendering a decision in VII-15. Caro credits Maim. with the exercise of choice of interpretations in VIII-8, IX, 16, with an original decision in VII-9, and with a choice between opinions in VIII-12.

provided may have their "source" somewhere in the adjacent references.¹³

How shall we explain the failure of Maimonides to carry out his intention? A possible explanation would be forgetfulness. It should be noted that the indications of originality or of post-Talmudic rootage are not the only particulars in which our four chapters fall out of accord with the letter to Phinehas b. Meshullam and with the Introduction to the *Mishneh Torah*. We have already considered the borrowing from the Midrash, although Midrash is not an item in the list of sources which Maimonides claims to have utilized.¹⁴ A further deviation arises when Maimonides states in his letter to Phinehas b. Meshullam: כל הדברים הסתם תלמוד ערוך הוא which means that Maimonides culls from his Talmudic sources only that which is clear and explicit, not that which is involved and debated. There are indeed many statements in our four chapters which meet that characterization. But there are some which do not. Can we regard the passage from Ket. 68A used in ix-14 as clear and explicit? Can we describe B.K. 7A, B handled in ix-16, 17 as other than involved and debated?¹⁵

But, so far as concerns the announcing of originality, for-

¹³ Alfasi readings are utilized in VIII-5, 12, IX-1, 2, 5, 12, 14, 17 and Alfasi decisions are occasionally adopted. In his letter to Phinehas b. Meshullam p. 18B (*Iggerot Uteshubot Ha-Rambam* Amsterdam 1712), and in his letter to Joseph ibn Akinin (*ibid.* p. 17A), Maim. commends the readings and the decisions of Alfasi. In this correspondence, Maim. when referring to Alfasi says:

הלכות הרב ר' יצחק or הלכות הרב

That may account for the fact that, in our four chapters, there is no use of the formula indicating a "Gaonic" source when Alfasi is utilized. So far as the Alfasi readings of the Talmudic text are concerned, it may be presumed that both Alfasi and Maim. used Sephardic texts of the Talmud. These differ from our Ashkenazic texts.

¹⁴ In X-7A, we surmised the presence of material from Abot de R. Nathan — also not included in the list of sources mentioned by Maim. in the letter to Phinehas b. Meshullam and in his Introduction.

¹⁵ On this point, there is something of interest in *Yad Mal'achi* (Berlin, 1852, p. 124, #2). שנאמר בנזירא עלי צד הדיוק או ברמי as contrasted with that which the Gemara makes explicit.

getfulness need not have been a factor. Maimonides may have exercised originality without being aware of it. He may have proceeded under the sincere impression that he was reproducing the real intent of his forerunners. Such would have been well in keeping with the culture in which he lived. It was a culture which tended very little to discriminate between the homiletic and the non-homiletic. Bible verses are treated homiletically by Maimonides throughout his writings. The scruple about taking Bible verses to mean what they do not mean rarely troubled Maimonides or his contemporaries or his predecessors. What was there to preclude a similar liberty with the Talmud, the Tosefta, and the like? This might readily account for our codifier's failure to insert: "The matter appears to me thus and thus" or "From this thou canst infer that the matter stands thus and thus."

Similarly Maimonides may have incorporated "Gaonic" material without being conscious of so doing. It would be of value to sift out these "Gaonic" strains and to determine, with precision, what were the contributions of Maimonides himself. But such research is beyond the present writer's competence. To accomplish this would require the inspection of every fragment of Jewish literature produced between the close of the era surveyed by our source finders and the composition of the *Mishneh Torah*. And not only this. In addition it would be needful to understand the Maimonidean psychology. Until one possesses a fairly adequate conception of the mediaeval Jewish point of view, one is, in many cases, not qualified to surmise whether Maim. did or did not deem a given passage his "source." This problem confronts us if we seek to fill the gaps left by the Venice edition, by Caro, or by Ben Zimra.¹⁶ It would also confront us if we went in search of Maimonides' "Gaonim."

For us, the matter of consequence is that, between the Talmud and the *Mishneh Torah*, there occurred change. Not even in mediaeval times, did the world stand still. In an age when

¹⁶ For instance, in X-5A, while we cite Talmudic precedents for gradations of benevolence, we doubt whether these influenced the eight degrees propounded by Maim.

change was equated with heresy, it may have proved imperative to conceal the fact of change. While changing, men had to deny change. They had to buttress the assumption that everything desirable in the present obtained its validation from the past. To that assumption, Maimonides dedicated his life. Such a viewpoint could readily foster the state of mind which innovates without admitting that it innovates, yes, without being conscious of innovation and which presents innovation not as innovation but as a faithful reproduction of teachings delivered long before. Innovation did occur nonetheless, and the innovations which crystalized in the Maimonidean code of benevolence were destined to influence Judaism for many an epoch to come.

TRANSLATION¹⁷ AND SOURCE INQUIRY¹⁸

The division of each paragraph into sections labeled A, B, C, etc. is not the work of Maimonides. It is but a device invented for the purpose of this study. Since different parts of some paragraphs often stem from different sources, there arose the need of the separation here adopted.

Each source inquiry is headed by the notations of the sourcefinders rendered as closely to the original as English usage permits. Where explanatory remarks seemed advisable, such are enclosed in parentheses.

¹⁷ A previous English translation of these passages by J. W. Peppercorne was printed as part of *The Laws of the Hebrews Relating to the Poor and the Stranger* published by Pelham Richardson, London, 1838. It is not clear whether this version translates from the original Hebrew or from the Latin of Humphrey Prideaux (1679). All indications point to the latter.

¹⁸ In the following, references to Talmud Yerushalmi are based on the Krotoschin edition. In references to the Mishnah or to the Tosefta, chapters will be indicated by Roman numerals and paragraphs by Arabic numerals. Roman numerals will also be used to indicate chapters of the Gemara, while pages and lines of the Gemara will be designated by Arabic numerals, with the line numbers placed to the right of the oblique mark. Thus Ket. 67B/45, 47 means: lines 45 and 47 on p. 67B of Ketubot. If, in some texts, the passage mentioned does not appear on the line indicated, it will be found very near that line.

VII-I

TRANSLATION

It is a positive command that one give to the poor as much as is fitting for each recipient, assuming that the giver can afford it. This is ordained in Deut. 15.8a and in Lev. 25.35b.¹⁹

SOURCE INQUIRY

CARE: *None.*

BEN ZIMRA "*All of this is set forth in Ketubot.*"

VENICE: *None.*

'EN MISHPAT: *None on Ket. 67B, 68A.*

Ket. 67B, 68A are essentially summarized when Maim. speaks of giving to the poor person "as much as is fitting."

However, Ket. 67B, 68A say nothing about any "positive command" or about any proviso "that the giver can afford it."

Nor do these passages quote Lev. 25.35b or Deut. 15.8a.

The amplification of Sifre contained in D. Hoffmann's *Midrash Tannaim* (Berlin, 1908-1909) p. 82, interprets רִי מַחֲסֵרוֹ in Deut. 15.8b to mean "fulfilling the poor person's needs." This may underlie the Maimonidean requirement with regard to what "is fitting for each recipient."

When the passage in *Midrash Tannaim* then proceeds to specify what is to be done if the giver's means are inadequate, that passage may undergird the Maimonidean qualification: "assuming that the giver can afford it."

VII-2

TRANSLATION

Whoso, beholding a poor person in search of help, hides his eyes and fails to grant alms, violates the negative command of Deut. 15.7b.

SOURCE INQUIRY

CARO: *None.*

BEN ZIMRA: *None. (Applicable here perhaps is the reference to Ket. in vii-1.)*

¹⁹ Lev. 25.35b is quoted in Saadya's list of the 613 commandments, but not Deut. 15.8a. *Oeuvres Complètes de R. Saadia Ben Iosef Al-Fayyumi*, Vol. IX, *Traité des Successions* par Joël Muller, Paris, 1897, p. 57, note 9.

VENICE: *None*.

'EN MISHPAT: *None ascertainable*.

While the Maimonidean statement amply summarizes the spirit of Jewish benevolence, we are left without any intimation of what specific passage in Talmudic literature Maim. may have had in mind.

VII-3.

TRANSLATION

A. Thou art commanded to assist a poor person according to his needs.

B. If he lack clothing, he should be given clothes.

C. If he be in want of household furnishings, such should be purchased for him.

D. If he be without a wife, provision should be made for his marriage.

E. A woman who is unmarried should be provided with the means of becoming united to a husband.

F. If a person accustomed to riding a horse, with a runner preceding, becomes impoverished and devoid of resources, a horse should be procured for him to ride on and a servant to run before him; as Deut. 15.8b puts it, "sufficient for his need in that which he wanteth." That is, thou art commanded to satisfy his needs. Thou art not commanded to make him rich.

SOURCE INQUIRY

CARO: *Ket. 67*.

BEN ZIMRA: *None*. (*Applicable here perhaps is the reference to Ket. in vii-1.*)

VENICE: *Ket. 67* (misprinted י"ג for י"ד).

'EN MISHPAT: *Ket. 67B/3,8,9*.

A. In *Ket. 67B*, the beneficiary is not the *'Ani*, the poor person in general. The beneficiary is the *Yatom*, the orphan.

B. *Ket. 67B* contains no reference to clothes. Could Maim. have been thinking of *Tos. Peah iv,9* or of *Alfasi to B.B. 8A*?

C. The household furnishings are mentioned in *Ket. 67B/4*.

D. *Ket. 67B/1* does not state that any marriage should be arranged. Speaking of the orphan, *Ket. 67B/1* prescribes what should be done *if* a marriage is arranged.

E. *Ket. 67A/41,42*, *67B/1* speak not of women in general but of one who is orphaned. Neither does it direct that people should benevolently

contrive her marriage. The passage merely states what should be done *in the event* of such marriage.

F. The remainder of VII-3 closely follows Ket. 67B/3-10, much of which is to be found in Hoffmann's *Midrash Tannaim*, p. 82. Hoffmann himself notes the bearing of this on *Matnot 'Aniyim* vii-3F. Maim. may have had this material in his copy of Sifre.

It can not be overlooked that the last sentence in vii-3 introduces an idea which is not homogeneous with what precedes. The source in Ket. 67B/8, 9 and in Sifre to Deut. 15.8 avoids this jog.

VII-4.

TRANSLATION

For the orphan who comes asking assistance to marry, a house should be rented and a bed and all needed furnishings provided. Thereupon, and only thereupon, should the marriage be brought to pass.

SOURCE INQUIRY

CARO: *No reference. (Applicable perhaps is Ket. 67 from vii-3.)*

BEN ZIMRA: *No reference. (Applicable perhaps is the reference to Ket. in vii-1.)*

VENICE: *Ibid. (Ket. 67 in vii-3).*

'EN MISHPAT: *Ket. 67B/3,8,9.*

The wording of vii-4 is almost identical with that of Ket. 67B/3,8,9.

VII-5.

TRANSLATION

A. If a poor person, asking that his wants be met, approach someone whose means are insufficient, let the person approached give as much as he can afford.

B. How much is this? One fifth of one's possessions would constitute an act of the choicest kind. An act of medium merit would be the giving of one-tenth. Giving less than one-tenth would constitute stinginess.

C. No one should decline to give at least a third of a shekel a year. Whoso gives less fails to fulfill the sacred command.

D. Even a poor person subsisting on alms is obligated to grant alms.

SOURCE INQUIRY

CARO: *Ket.* 50; *Ket.* 67B; *B.B.* 9; *Yer. Peah* i.²⁰

BEN ZIMRA: *YER.*; *B.B.* 9; *Git.* I.

VENICE: *Ibid.* (*Ket.*) p. 50, p. 69; *Git.* p. 7; *B.B.* p. 9.

'EN MISHPAT: *Git.* 7B/1; *Ket.* 50A/4; *B.B.* 9A/37; *Yer. Peah* 15B/29.

A. None of the above references covers the first sentence of vii-5. The actual source appears to be that part of *Sifre* published in the *Midrash Tannaim* of Hoffmann (Berlin 1908-1909), p. 82, near the end of paragraph 8, commenting on Deut. 15.8.²¹ Hoffmann himself relates this passage to *Matnot 'Aniyim* vii-5.

B. Caro thinks of *Ket.* 50A/3,4, of *Ket.* 67B/45,47, and of *Yer. Peah* 15B/29,30. Ben Zimra also may have *Yer. Peah* 15B/29,30 in mind. But none of these passages says anything about one-tenth or less than one-tenth or about that which is "choicest."

Nor is it the import of these passages that giving one-fifth is commendable. The point is that it is reprehensible to give *more* than one-fifth.²²

The passage in *Yer. Peah* 15B29,30 refers not to that which one accords to any necessitous individual but to one's annual contribution. *Maim.* does not speak of the annual contribution until he reaches vii-5C.

The real source of vii-5B is obviously the same as that of vii-5A — the passage from *Midrash Tannaim* p. 82.

C. Essentially covered by *B.B.* 9A/38.

D. Essentially covered by *Git.* 7B/1,2.

²⁰ The quotation from Gen. 28, 22b which Caro imputes to *Yer. Peah* I stands not in *Yer. Peah* I but in *Ket.* 50A/9. Identical with *Yer. Peah* 15B/24-27 is *Yer. Ket.* 28D/63, 66 which latter passage is not mentioned by our source finders.

²¹ Hoffmann himself cites our VII-5B in this connection. For the reference to Hoffmann, the writer is indebted to Dr. Abraham Heschel.

²² *Maim.* conveys the intent of these passages not here but in his *Hilekot 'Arakin* VIII-13 where he inveighs against excessive generosity, maintaining that excessive giving violates the intent of Scripture and that one should certainly not give more than one-fifth.

Ter. IV, 3 bears a remote resemblance to our VII-5B. The passage in *Ter.* IV, 3 uses the word *Benonit* in a succession of steps involving three degrees of merit. The '*Ayin Yafah* of the highest degree suggests the Maimonidean '*Ayin Ra'ah* for the lowest degree, while the '*Ayin Ra'ah* for the lowest degree in *Ter.* IV, 3 is identical with the Maimonidean for the lowest degree.

However, in *Ter.* IV, 3, the fractions considered are not one-fifth, one-tenth, and less than one-tenth. They are one-fortieth (or one thirtieth), one fiftieth, and one sixtieth.

Yer. Peah 15B/24-27 does mention a lower limit of giving. This is defined as being of the same percentage as that of the heave offering, while a dissent-

VII-6.

TRANSLATION

A. If an unknown person implores: "I hunger, give me food," investigation is omitted and food is granted immediately.

B. If, being unclad, that suppliant says: "Clothe me," then investigation takes place to rule out imposture.

C. If, however, the applicant be someone who is known, clothes are granted. They are granted promptly, without investigation, and in keeping with the applicant's social rank.

SOURCE INQUIRY

CARO: *B.B. 9.*

BEN ZIMRA: *B.B. I.*

VENICE: *B.B. 9.*

'EN MISHPAT: *B.B. 9A/25.*

A. This accepts the opinion of R. Judah in *B.B. 9A/25* and rejects that of R. Huna in *B.B. 9A/20*. Ben Zimra states that the Halakah follows the opinion of Judah because that opinion is supported by the Baraitha in *B.B. 9A/29*.²³

B. That which we noted with regard to vii-6A applies also here.

C. This sentence is not covered by anything in *B.B.* It derives from *Tos. Peah IV, 8* and *Yer. Peah 21A/42, 43*. The reference to social rank (*lefi kebodo*) appears in *Yer. Peah 21A/42, 43* only.

Maim. interpretatively expands upon the Talmudic text when he says: "promptly and without investigation."

VII-7.

TRANSLATION

A. The non-Jewish poor are succored and clothed together with the Jewish poor, in the interests of good will.

B. Toward the door-to-door mendicant, one is obligated not

ing authority puts it at a percentage like that of the heave offering plus the tithe of the heave offering. As the commentary explains, the percentage of the heave offering is 2% of the total quantity of grain on hand, while 1% is that of the tithe of the heave offering. We have here nothing which corresponds to the ten percent or less of our VII-5.

²³ It has been explained to the writer that a Baraitha, being Tannaitic, has more validity than a statement which is only Amoraic.

to the extent of any considerable gift but only to the extent of a trivial gift.

C. It is forbidden to turn away a suppliant poor person empty handed, though one grant no more than a single berry. This is declared in Ps. 74.21a.

SOURCE INQUIRY

CARO: *Git. 61; B.B. I.*

BEN ZIMRA: *Git. V; B.B. I.*

VENICE: *Git. p. 61 on A; B.B. ibid. (p. 9) on B.*

'EN MISHPAT: *Git. 61A/12; B.B. 9A/36.*

A. This is essentially covered by *Git. 61A/12, 14, 15*. Clothing is not specified in *Git. 61A/12, 14, 15*, but Ben Zimra notes that Maim. adds this because it is essentially included in "succor."

B. This is covered by *B.B. 9A/36*.²⁴ This again represents a choice between two divergent opinions, the rejected opinion — that the house-to-house beggar gets nothing — appearing in *B.B. 9A/35, 36*. The opinion adopted in vii-7B is that of R. Samma. The rejected opinion is that of a Baraitha followed by R. Papa. Dr. Alexander Guttmann states that codifiers frequently identify the Halakah with the opinion of the authority who has the last word in the debate — in this case, R. Samma. Perhaps it is presumed that the opposition has yielded.

C. None of the sources cited accounts for this sentence or for its use of Ps. 74.21a.

VII-8

TRANSLATION

A. A transient poor person is granted a loaf of bread the worth of which is a *pondion* when wheat sells at four *Se'ah* for a *Sela'*.²⁵ We have already explained the meaning of these measures.

²⁴ This is also the view in Tos. Peah IV, 8 and in Sifre to Deut. 15.9. Rashi and Tosafot, quoted by Ben Zimra, reconcile the conflict by holding that R. Papa refers to the *Kuppah* while R. Samma has in mind private gifts. That is, the house-to-house beggar gets nothing from the *Kuppah* although, when it comes to private alms, he is eligible. Neither Maim. nor the text in *B.B. 9A/36* draws this distinction.

²⁵ We compute this allotment of flour to be one-eighth of a peck in terms of American measures of today.

B. If the transient tarry over night, he is given a mattress on which to sleep and a pillow for his head; also oil and beans.

C. If he sojourn over the Sabbath, he is allowed food for three meals as well as oil, beans, fish, and greens.

D. If he chance to be a person who is known, he is entertained according to his social rank.

SOURCE INQUIRY

CARO: *Peah* 10; *Peah* viii; *Tos. Peah* iv; *Sab.* 118; *Ket.* 67; *B.B.* 9.

BEN ZIMRA: *Peah* viii; *Tos. Peah*; *B.B.* 9A/31,32 quoted.

VENICE: *Peah* viii,7; *B.B. ibid.* (p. 9).

'EN MISHPAT: *Peah* viii,7; *Yer. Peah* 21A/42,43;²⁶ *Sab.* 118A/16,17; *B.B.* 9A/30,31.

A. Essentially covered by Mishnah *Peah* viii,7 and *Sab.* 118A/17,18.

B. *B.B.* 9A/31,32 and its counterpart in *Sab.* 118A/22,23 interpret *Parnasat Linah* (what is needed for the night) as meaning *Puryah* which Maim. translates with the Hebrew word for "mattress" and *Be Sadya* by which he understands a "pillow."

The oil and the beans derive from *Tos. Peah* iv,8 which mentions such in connection with the ordinary fare of every day, not necessarily with that of the Sabbath.

C. The three Sabbath meals find mention in Mishnah *Peah* viii,7 and in *Tos. Peah* iv,8.²⁷ The Sabbath menu is presented in the *Tosefta* passage only.

D. The basis of this is *Yer. Peah* 21A/42,43, *Wehakol Lefi Kebodo*. When Caro refers to *Ket.* 67, is he perhaps thinking of *Lefi Kebodah* said about the dowering of the necessitous girl in *Ket.* 67A/42 (Mishnah *Ket.* vi,5)? Or does he have in mind the various stories in *Ket.* 67B describing the lavish treatment accorded poor persons who had seen better days? In all events, the passage in *Yer. Peah* 21A/42,43 seems nearest Maimonides' thought.

VII-9

TRANSLATION

A. Upon a poor person who declines to accept aid, ruses are employed; aid is extended in the guise of a present or a loan.

²⁶ While 'En Mishpat refers this to our VII-6, we must surmise a misprint for VII-8.

²⁷ The wording of Maim. in VII-8C seems to make the four types of food something *in addition to* the three Sabbath meals which is hardly the sense of *Tos. Peah* IV, 8.

B. But if a wealthy person starves himself because he is too stingy to spend some of his money on food and drink, he is simply ignored.

SOURCE INQUIRY

CARO: *Ket. vi; Ket. 67B/28-36 quoted.*

BEN ZIMRA: *Ket.*

VENICE: *Ket. p. 67.*

'EN MISHPAT: *Ket. 67B/30,31.*

A. *Ket. 67B/28-30* contains essentially these words embedded, however, in additional material which Maim. does not use.

Ket. 67B/28-30 records a difference of opinion between R. Meir and the sages. As Caro points out, Maim. agrees with the sages. That is, he follows the majority opinion in accordance with the rule that when an individual and a majority differ, the majority opinion shall be the Halakah (*Ber. 9A/11* and numerous other passages cited in the *Massoret Hashas* to *Ber. 9A/11*).

B. Regarding the penurious person of wealth, Maim. again elects one of two divergent opinions. R. Judah (*Ket. 67B/31-33*) holds that the miser does receive a grant but that the sum is later recovered — recovered, according to R. Papa, after the miser's death. The dissenting view, the one adopted by Maim. is that of R. Simeon (*Ket. 67B/33*) and of the sages, i. e. of the majority (*Ket. 67B/36*).

VII-10

TRANSLATION

A. One who refuses to contribute to charity or who contributes less than is fitting becomes subject to legal compulsion.

B. He is penalized with stripes, such as are inflicted for recalcitrance, until he pays the amount levied.

C. In his presence, distraint is laid upon his possessions and whatever amount is proper for him to give is taken from him.

D. Pledges for charity are exacted even on the eve of the Sabbath.

SOURCE INQUIRY

CARO: *Ket. 49; B.B. 8.*

BEN ZIMRA: *B.B. i; B.B. 8B/31 quoted.*

VENICE: *B.B. 8.*

'EN MISHPAT: *B.B. 8B/29,31.*

A. Support for this can be found in Ket. 49B/19 which apparently formulates a general rule where B.B. 8B/31 offers a special instance, the special instance being that in which Raba compels R. Nathan bar Ammi to render an appreciable contribution.

B. Both Ket. 49B/19,20 and B.B. 8B/29,31 specify that, to this compulsion, none should be subject except the rich. Maim. omits mention of this limitation.

Nothing in either passage specifies either stripes or distraint. At these points, the Talmud may or may not have contemplated such methods.

C. As already stated, the sources do not propose distraint.

D. This is covered by B.B. 8B/29.

VII-11

TRANSLATION

A. It is forbidden to solicit charitable contributions from one who is so generous that he ordinarily contributes more than is to be expected and who, to escape embarrassment, would sooner undergo privation.

B. According to Jer. 30.20b, punishment awaits the one who, by soliciting, puts such a person to shame.

SOURCE INQUIRY

CARO: *Ibid.* (B.B. 8 of vii-10).

BEN ZIMRA: B.B. 8B/29-31 *quoted*.

VENICE: *Ibid.* (B.B. 8).

'EN MISHPAT: B.B. 8B/31.

A. In B.B. 8B/29-31, the person to be shielded is not the generous or the self-sacrificing person but the *Lo* 'Amid, the person who is not wealthy.

Nor does B.B. 8B say anything about embarrassment or shame. Such may conceivably be implied but, if it is, Maim. makes something explicit which, if in the text at all, lurks there only by implication.

B. B.B. 8B/29 explains that the threat contained in Jer. 30.20b strikes only him who solicits a person of scant means. B.B. 8B does not specify persons who have already given generously.

VII-12

TRANSLATION

A. Charitable contributions are not levied upon orphans, not even upon wealthy orphans and not even for the purpose of

ransoming captives, unless some magistrate imposes a contribution in order to enhance the orphans' repute in the community.

B. Solicitors may accept not considerable sums but only trivial sums from women, from slaves, and from minors, the presumption being that larger sums derive from theft or robbery.

C. What is meant by a "trivial sum?" All depends upon the wealth or the poverty of him who heads the household.

SOURCE INQUIRY

CARO: *Ibid.* (B.B. 8 in vii-10); B.Ḳ. 119.

BEN ZIMRA: B.B. 4; B.B. 8A/47-49 quoted; B.Ḳ. x.

VENICE: B.B. *Ibid.* (p. 8); B.Ḳ. 119 on B.

‘EN MISHPAT: B.B. 8A/47; B.Ḳ. 119A/37,41.

A. This stems from B.B. 8A/47-49. However, the clause about making the orphans esteemed in the community is not proffered, in B.B. 8A/47-49, as a general rule. It is presented as the reason why Raba levied a contribution upon the orphans residing in Be Bar Meryon, despite the restriction that, when it comes to levies of that kind, orphans are exempt. The text does not state that Raba's act proceeded from a general rule or that it created a general rule, like that in Ket. 49B/19 used above in vii-10A.

Again, B.B. 8A/47-49 does not specify *wealthy* orphans, although such may be implied. Once more, Maim. makes something explicit which is only implicit in the source.

B. This is supported by B.Ḳ. 119A/41. However, where B.Ḳ. 119A/41 alludes to charity, it refers to women only, not to children or to slaves. The reference to children and to slaves occurs in line 37 which speaks not of philanthropic gifts but of offering for sale wool, flax, wine, oil, and flour. Finding slaves and children mentioned in conjunction with women as regards the matter of selling, it is Maim., not B.Ḳ. 119A, that links the three in the matter of benevolence.

C. The question of the householder's wealth or poverty arises in B.Ḳ. 119A/41,42 only by implication. Rabbah Tosfa'ah cites the rule that, from women, one may accept only trivial sums. To this, Rabina replies by commenting on the ankle ornaments and the silks (Rashi says: gold chains and bracelets) contributed to Rabina by the women of Be Maḥoza and by observing that, in Be Maḥoza, such gifts are viewed as negligible. The reference to heads of households is not explicit. It is only implied.

VII-13

TRANSLATION

A. A poor relative takes precedence over all other poor.

B. The poor of one's household take precedence over the poor of one's city and the poor of one's city over the poor of any other city. This is ordained in Deut. 15.11b.

SOURCE INQUIRY

CARO: *B. M.* 71.

BEN ZIMRA: *Sifre*; *Sifre on Deut. 15.7* quoted.

VENICE: *Sifre*, p. 42, column 4.

'EN MISHPAT: *No reference on B.M. 71.*

A. This rests upon the interpretation of Ex. 22.24a in B.M. 71A/7.8, according to which '*Aniyeka* may mean "thy poor relatives."

However, that same word '*Aniyeka* is, in vii-13B, taken to mean something else, namely, "the poor of thy household." Nor are relatives differentiated from non-relatives in *Sifré* # 116, on Deut. 15.7.²⁸

B. *Sifre* # 116 on Deut. 15.7 contrasts one's fellow townsmen with people who reside elsewhere. This same distinction, as well as the distinction between the poor of one's household and the poor of one's city, appears in B.M. 71A/7.8.

The quotation from Deut. 15.11b appears neither in B.M. 71A nor in *Sifre* # 116.

VII-14

TRANSLATION

A. If the inhabitants of a city impose a charitable levy upon a visiting merchant, the contribution belongs to the poor of the city visited.

B. If, however, the levy be imposed upon a visiting company of people, the contributing is done in the city visited, but the sum collected is conveyed, by the returning visitors, to the city of their origin that the poor of the latter city may be aided with that money.

²⁸ The passage in *Sifre on Deut. 15.7* differentiates between brother on father's side and brother on mother's side, also between dwellers of one city and dwellers of another city and between residents of one country and residents of another country. But there is no statement of the antithesis between members and non-members of one's family or household.

C. Should there exist, in the city visited, a communal authority,²⁹ the sum collected is handed over to that authority and apportioned by that authority in any manner which that authority deems fitting.

SOURCE INQUIRY

CARO: *Meg. 27.*

BEN ZIMRA: *Meg. iii.*

VENICE: *Meg. 27.*

'EN MISHPAT: *Meg. 27A/37,39,41.*

A. The individual traveler is the topic in *Meg. 27A/39,40*. Maim. takes the traveler to be a merchant.

B. The visiting company is the topic in *Meg. 27A/37,38* which substantially covers vii-14B.

C. While *Meg. 27B/2* does not state explicitly, it does unmistakably imply that the money not merely remains in the city visited if that city has a communal authority but, in addition, that the communal authority accepts and distributes the sums collected.

VII-15

TRANSLATION

A. If an individual says: "Give two hundred *denarii* to the synagogue" or "Give a scroll of the Pentateuch to the synagogue," the gift goes to the synagogue which that individual frequents.

B. If he frequents two synagogues, the gift goes to both.

C. If one says: "Give two hundred *denarii* to the poor," the sum goes to the poor of that particular city.

SOURCE INQUIRY

CARO: *Tos. B.Ḳ. x (not xi); B.B. iii (Hezkat).*³⁰

BEN ZIMRA: *Tos. B.Ḳ. xi.*

VENICE: *No reference.*

'EN MISHPAT: *No reference on B.B. 43A or B.*

²⁹ Some read *Heber 'Ir*, "a communal organization." Rashi reads *Ḥabar 'Ir*, "a scholar having charge of community affairs."

³⁰ B.B. 43A/18, 19, 22 speaks of persons disqualified to serve as witnesses or as judges in a lawsuit over the question what a donor means when he says:

A. Covered by Tos. B.Ḳ. xi,3.

B. Covered by Tos. B.Ḳ. xi,3.

C. On this point, Tos. B.Ḳ. xi,3 contains two opinions. R. Aḥa maintains that the sum does not go to the poor of that particular city but to the Jewish poor residing anywhere. Maim. rejects this view in favor of the alternative view. Ben Zimra asserts that the decision is Maimonides' own and one with which other authorities take issue.

It has been suggested that Maim. follows here B.M. 71A/8 which rules that, when it comes to according loans, the poor of one's own city shall have priority over the poor of another city. If the suggestion be valid, we have here another instance in which Maim. does not repeat his "source."

VIII-I

TRANSLATION

A. Benevolence belongs to the category of vows.

B. Therefore, if one says: "I obligate myself to grant a *Sela'* for benevolence" or who says: "This *Sela'* be devoted to benevolence," that person is required to grant that coin to the poor and to grant it immediately.

C. If the pledger delays, he violates the command in Deut. 23.22; assuming, of course, that the poor are at hand so that extending the gift immediately is within his power.

D. If there be no poor persons at hand, the pledger must set the coin aside and reserve it for the time when poor persons may appear.

E. But, if the pledger states specifically that, not until some poor person appears, shall the coin be granted, then there is no need of setting the coin aside.

F. Similarly, if one stipulate, at the time of pledging or of donating, that the charity administrators are free to exchange that coin, combined with other coins, for a coin of gold, the administrators are entitled to do so.

SOURCE INQUIRY

CARO: R.H. 6.

BEN ZIMRA: R.H. i; R.H. 6A/14,26,27 quoted.

"Give a *Manah* to the poor of my city." Can this really have been Maimonides' supporting passage? 'En *Mishpaṭ* does not connect this passage with *Matnot Aniyim*.

VENICE: *R.H. i, p. 6.*

'EN MISHPAT: *R.H. 6A/26.*

A. R.H. 6A/14,26,27 identify, with *Ṣedaqah*, the word *Befika* in Deut. 23.24; and Deut. 23.24 deals with vows.

B. The immediate bestowal of the coin rests on R.H. 6A/27.

The above formulae in quotation marks do not stand in R.H. 6A.

C. The negative command, Deut. 23.22, is quoted in R.H. 6A/2.

The phrase about the circumstance that the poor are on hand occurs in R.H. 6A/27.

The Talmud links charity with vows and, a few lines earlier, notes the application of Deut. 23.22 to vows. But the final step, that of linking charity with Deut. 23.22, is not the work of the Talmud.

The Talmud also omits the consideration that the giving is within the giver's power. In this connection, R.H. 6A/26-29 compares charity with burnt offerings. Burnt offerings, if vowed, do not become overdue until all three festivals are past, while charity, if vowed, does not depend upon anything so chronological. We must wait for the festivals. We need not wait for the poor. The poor are always on hand.

The Talmud does not, like Maim., contemplate dearth of opportunity to fulfill one's pledge. What the Talmud stresses is lack of excuse for delaying.

D. The absence of the poor is not discussed in R.H. 6A.

Moreover, the phrase with the word *Mafrish*, where we translated: "set the coin aside," while it occurs in R.H. 6A/20, is not used there with regard to coins allotted as alms but with regard to animals vowed to the sanctuary.³¹

Again, R.H. 6A/20,21 speaks not of this "setting aside" as a duty and not of any circumstance which would create such a duty. It merely discusses the consequences respectively when the setting aside of such an animal has occurred and when it has not occurred.³²

E. Nothing in our references substantiates clause E.

F. Nothing in our references substantiates clause F.

VIII-2

TRANSLATION

A. The amplification of a statement in connection with charity has an import like that of amplification in connection with vows.

³¹ VIII-5, relying on 'Arak. 6A/37, observes that alms are actually subject to regulations *other than* those of the sanctuary.

³² Ben Zimra defends the statement in VII-1D against the dissenting view of the *Tur*.

B. For example, one says: "This *Sela'* be like that *Sela'*." The second *Sela'* belongs to charity.

C. Or one sets aside a *Sela'* and says: "This be dedicated to charity," and then one takes a second *Sela'* and says: "And likewise this." The second is dedicated to charity even though the pledger does not explicitly say: "likewise."

SOURCE INQUIRY

CARO: *Ned.* p. 7.

BEN ZIMRA: *Ned.* ii; *Ned.* 7A/1-4, 7-9 quoted.

VENICE: *Ned.* i, p. 7.

'EN MISHPAT: *Ned.* 7A/1.

A. What *Ned.* 7A/7 states is that charitable pledges resemble, in this respect, vows with regard to burnt offerings. Vows other than those pertinent to burnt offerings, that is, vows in general, as *Maim.* intimates, may have been meant, but such is not stated in *Ned.* 7A.

B. *Ned.* 7A/3 affirms that the second *Sela'* belongs to benevolence when the utterance is worded: "This *Zuz* shall go for charity and *also* this *Zuz*." Whether the utterance has the same validity with "also" omitted, is debated in *Ned.* 7A/1-12 and no conclusion is reached. As Ben Zimra suggests, *Maim.* decides here according to the principle: "The decision follows the more rigid alternative when a Biblical command is involved" (cf. *Bez.* 3B/14,15),³³ and charity was regarded as scripturally ordained.³⁴

³³ Caro, like R. Nissim b. Reuben Gerondi (RaN) in his comments on *Ned.* 7A/11, 12, alleges that *Maim.* derives his *Halakah* from the words in *Ned.* 7A/11, 12:

אם חמצא לומר יש יד לצדקה דאין היקש למחצה

"Granted that charity involves the above-mentioned 'amplification' of statement, inasmuch as an analogy does not go by halves." That is, if charity resembles sacrifices as regards the admonition "do not delay" (*Deut.* 23.22), it must also resemble sacrifices as regards "amplification." Dr. Alexander Guttman questions the correctness of Caro's assertion.

Charity is identified with burnt offerings through the use, on the one hand, of the word for "charity" and the word for "mouth" in *Isa.* 45.23 and, on the other hand, the use of the word for "mouth" in connection with burnt offerings in *Deut.* 23.24.

³⁴ The Biblical command to practice charity is located, by Sifre on *Deut.* 15.8 and by *Ket.* 67B/9, in *Deut.* 15.8.

C. Ned. 7A/2,3 covers most of this statement. Nothing, however, is said in Ned. 7A about "setting aside," either in the sense of R.H.6A/20 or in the Maimonidean sense, both of which were considered above under viii-ID.³⁵

VIII-3

TRANSLATION

If one has pledged a sum for benevolence and then fails to recall the amount, the pledger shall make payment up to the point at which he can say: "Not that much did I intend."

SOURCE INQUIRY

CARO: *A Mishnah in Men. xiii, p. 105 (misprint for 106).*

BEN ZIMRA: *Ibid. (Ned. 7A/1-4, 7-9 in viii-2).*

VENICE: *No reference.*

'EN MISHPAT: *No reference at Men. 106B/38.*

The "ibid." of Ben Zimra may refer to Ned. 7A/7 which equates *Zedaḳah* with burnt offerings, wherefore the rule in Men. 106B/38 (Mishmah Men. xiii,4) governing burnt offerings would apply also to charity.

The language of Men. xiii,4, except that it treats not charity but certain sacrificial matters, is approximately that of Maim. in viii-3.

The juncture of Ned. 7A/7 and Men. xiii,4 is not the work of the Talmud. There is no reference to Ned. 7A/7 in Men. xiii,4 nor any reference to Men. xiii,4 in Ned. 7A/7.

The identification of benevolence with burnt offerings occurs not only in Ned. 7A/7 but also in R.H. 6A/12,14 and in 'Arak. 6A/37.

Ben Zimra calls attention to similar rulings by Maim. in his *Hilekot 'Arakin* ii-8,10.

VIII-4

TRANSLATION

A. Whether one say, while setting the coin aside: "This *Sela'* is for benevolence" or one say: "I obligate myself to the extent of a *Sela'* for benevolence," in either case, the donor who

³⁵ Ben Zimra points out that, in VIII-2B, Maim. formulates a sentence which uses the preposition כּ in כּוּ but which does not contain the word *Zedaḳah*. In VIII-2C, Maim. formulates a sentence containing the word *Zedaḳah* but lacking the preposition כּ. Either the one or the other seems requisite. Here, according to Ben Zimra, is something original with Maim. ודשחא אית בה חדושה.

so wishes is free to substitute³⁶ a different *Sela'* for the one thus designated.

B. But, after the coin has reached the charity administrator, such substitution is not permitted.

C. If the administrators desire to exchange an accumulation of coins for the higher denomination of *denarii*, they may do so only on condition that there be no poor persons at hand and further on condition that the coin of larger denomination be furnished by others and not by the administrators themselves.

SOURCE INQUIRY

CARO: 'Arak. 6; B.B. 8.

BEN ZIMRA: 'Arak. i; 'Arak. 6A/45,46 quoted; B.B. i; B.B. 8B/43,44 quoted.

VENICE: 'Arak. 6 on A; B.B. 8 on C.

'EN MISHPAT: 'Arak. 6A/27, 33. No reference on B.B. 8B/43,44.

A. What Maim. says is in 'Arak. 6A/42-44. Dr. Alexander Guttman points out that this is the complete version of a statement whereof a truncated version is given in lines 26 and 27. The truncated version gives rise to considerable discussion leading to some untenable conclusions. R. Zeira and Raba are participants in this discussion.

B. This repeats 'Arak. 6A/45,46.

C. This rests on B.B. 8B/43,44, although what Maim. says differs slightly from what B.B. 8B/43,44 says. Maim. contemplates the presence of the poor; the Talmud contemplates their absence. Maim. indicates what is forbidden; the Talmud indicates what is permitted.

VIII-5

TRANSLATION

A. If the detention of money in the hands of the charity administrator be advantageous to the poor, in that (the money being unavailable for the poor) people are thus impelled to addi-

³⁶ That is the sense in which Maim. takes the word *Leshannoto* in Ned. 7A/43. Tosafot (וְאִילוּ צִדְקָה on Ned. 7A/43) and Rashi take the word to mean "to lend out." It has been suggested that the Sephardic school held to the former interpretation and the Franco-German school to the latter.

tional giving, the administrator is permitted to borrow such money for his own use, subject to later repayment.

B. For alms are not like gifts to the sanctuary, use of which for any alien purpose is forbidden.

SOURCE INQUIRY

CARO: 'Arak. i; Alfasi 'פ' ד' ו'ה'.³⁷

BEN ZIMRA: 'Arak. i; 'Arak. 6A/44-6B/3 quoted.³⁸

VENICE: 'Arak. *ibid.* ('Arak. 6 in vii-4).

'EN MISHPAT: 'Arak. 6A/38

A. In 'Arak. 6B/1-3, R. Jannai stimulates charitable giving in that he borrows and thus renders temporarily unavailable charity funds already collected. Maim. treats this as a rule applicable to all charity administrators everywhere.

B. That alms are subject to regulations different from those of the sanctuary is explicitly stated in 'Arak. 6A/37,38.

VIII-6

TRANSLATION

A. A candelabrum or a lamp donated to a synagogue may not be exchanged.³⁹

B. And yet, for the sake of performing some act that is Divinely ordained, such an exchange may occur, though the donor's identity be not yet forgotten and people still say: "That is the candelabrum of So-and-so" or "That is the lamp of So-and-so."

C. If, however, the donor's identity be forgotten, the object may be exchanged for the sake of some step that is but optional.

³⁷ The writer has been advised that 'פ' ד' ו'ה' is a misprint for 'פ'ק דב'ב', Chap. I of B. B. But that page in Alfasi (Vol. V, 5B, Wilna 1870), contains nothing which bears on our VIII-5.

³⁸ Ben Zimra misquotes the Talmud when he imputes this statement to R. Nahman mentioned in 'Arak. 6A/31.

³⁹ Maim. leaves us in doubt whether he means exchanged for any kind of an object or exchanged for another candelabrum or lamp.

SOURCE INQUIRY

CARO: *Ibid.* ('*Arak. i in viii-5*); *Yer. Shek. i.*⁴⁰

BEN ZIMRA: *Ibid.* ('*Arak. i in viii-5*); '*Arak. 6B/11* quoted and some of its context paraphrased.

VENICE: *Ibid.* ('*Arak. 6 in viii-4*).

'EN MISHPAT: '*Arak. 6B/3*.

A. This is the later qualified view of R. Ḥiyya in '*Arak. 6B.4-6*.

B. The distinction between the non-optional and the optional is that of R. Johanan in '*Arak. 6B/7,8,13* and not that of R. Ḥiyya in '*Arak. 6B/4-6*. But R. Ḥiyya yields to R. Johanan (סבר . . . למיטר).

The permissibility mentioned in '*Arak. 6B/13* applies only to cases in which the name of the donor has been forgotten. Nothing is said about instances of permissibility in case the name is still remembered.

The sentences in quotation marks are not to be found in the sources mentioned.

C. This is supported by '*Arak. 6B/13*.

VIII-7

TRANSLATION

A. The above applies only when the donor is a Jew.

B. When the donor is a non-Jew, no exchange may occur — not even for some act that is Divinely ordained — so long as the donor's identity is known.

C. Lest the non-Jew say: "I dedicated something to the Jewish synagogue but, for selfish ends, they sold it."

SOURCE INQUIRY

CARO: *No reference.* (*Applicable perhaps is 'Arak. i of viii-5*).

BEN ZIMRA: *Ibid.* ('*Arak. i in viii-6*); '*Arak. 6B/12-20* somewhat paraphrased.

VENICE: *Ibid.* ('*Arak. 6 in viii-4*).

'EN MISHPAT: '*Arak. 6B/9*.

A. '*Arak. 6B/12,13* contrasts Jew and non-Jew with regard to the exchangeability of their respective donations.

B. '*Arak. 6B/8-10* states that, under no circumstances, should a non-Jew's gift be exchanged for something else while the donor's identity is still remembered.

⁴⁰ *Yer. Shek. 46B/17-23* seems to be meant. This applies, however, not here but *infra* on VIII-8C.

C. The remonstrance of the non-Jew is considered in 'Arak. 6B/14, although the words imputed to the non-Jew by Maim. do not stand in the Talmudic text.

VIII-8

TRANSLATION

A. A gift for the repair of the Temple is not accepted of a non-Jew.

B. But the gift is not returned if such acceptance has already occurred.

C. A conspicuous object, however, such as a stone or a beam, has to be returned because, as stated in Ezra 4.3, nothing contributed by non-Jews may hold a conspicuous place about the Temple.

D. Non-Jewish gifts to a synagogue are acceptable provided the donor profess: "I dedicate this in a Jewish spirit."

E. Should the donor fail to utter such statement, the object receives sacred storage; for the donor may have had a holy intent.

F. In accordance with Neh. 2.20, gifts from non-Jews are not accepted for the wall or for the water conduit of Jerusalem.

SOURCE INQUIRY

CARO: 'Arak. i, p. 6; 'Arak. 6A/1-3,5,6,13,14 quoted; Yer. Shek I cited in connection with C.

BEN ZIMRA: 'Arak. i; 'Arak. 6A/1-3,5,6,13,14 quoted extensively.

VENICE: Ibid. ('Arak. 6 in viii-4), p. 5, p. 6.

'EN MISHPAT: Yer. Shek. 46B/19; 'Arak. 6A/4.

A. In 'Arak. 6A/1,2, this is one of two opinions.

B. These opinions are reconciled by observing that, in earlier times, the gift was rejected but, in later times, accepted; or that the gift was rejected if offered at some early stage of the work but accepted at a later stage.⁴¹

⁴¹ Rashi takes the passage to mean the early stages and the later stages of the work and is opposed by those who take it to mean earlier period and later period of history.

Dr. Alexander Guttman suggests that Maim. may have had a text which read *לכתחלה* like Tosafot to 'Arak. 6A/5, hence rejection *ab initio* but acceptance of a *fait accompli*.

C. The distinction between conspicuous objects and inconspicuous objects donated by non-Jews occurs in 'Arak. 6A/5,6 and in Yer. Sheḥ. 46B/17-21.⁴²

The Talmudic texts make no mention of returning any conspicuous object donated by a gentile. 'Arak. 6A/5,6, like Yer. Sheḥ. 46B/17-21, merely state that conspicuous objects are accepted at no time, either *Batehillah* or *Basof*.

The examples of a beam or a stone are simplifications of 'Arak. 6A/7,8 which speak not of a beam or a stone but of a device for keeping ravens from the Temple roof.

The citation from Ezra 4.3 appears neither in 'Arak. 6A/5,6 nor in Yer. Sheḥ. 46B/17-21.

D. Neither 'Arak. 6A nor Yer. Sheḥ. 46B mentions a synagogue. Yet the fact that Rashi, interpreting 'Arak. 6A/24, understands a synagogue to be meant would indicate that Maim. may have had some precedent. Dr. Guttman thinks that Maim. may have used a text of 'Arak. 6A which may have contained the word "synagogue" like Tos. Meg. iii (ii)5, (Zuckerman p. 224). While the beam instanced in 'Arak. 6A/15,16 might apply to a synagogue, such can hardly be said of the heave offerings in 'Arak. 6A/13,14 or of the burnt offerings in Yer. Sheḥ. 46B/25.

'Arak. 6A/17 contains the very words in the first person: "I dedicate this in a Jewish spirit."⁴³

E. The sacred sequestration, because of a possible holy intent, is prescribed in 'Arak. 6A/18,19,22. And yet the Talmud refers not to gifts of beams in general but to gifts of beams carrying inscriptions of the Divine Name. The discussion brings out that the essential thing is not the presence or the absence of the Divine Name but the non-Jew's saying: "I do this *Beda'at Yisra'el*." If that remark is lacking, the object is given sacred

⁴² The Krotoschin edition has an error at Yer. Sheḥ. 46B/19. The correct version is that of the Zitomir edition of 1860, Gemara to Sheḥ. I, 4, whose reading is identical with that of 'Arak. 6A/5, 6.

⁴³ The words *Beda'at Yisra'el* are variously interpreted. Rashi reports two meanings:

- 1.) I intend that this shall go where the Jewish heave offerings go.
- 2.) I do this upon instructions from a Jew.

Yer. Sheḥ. 46B/25, 26 does not contain the words *Beda'at Yisra'el*. Yer. Sheḥ. 46B/25, 26 contemplates the gentile who, when he has heard a Jew remark: "I pledge a burnt offering," proceeds to declare: "I pledge as he pledges." Is this perhaps the same as *Beda'at Yisra'el*?

sequestration. If that remark is uttered, the object is used, the Divine Name being first excised.

F. The reference to the wall and to the water conduit stands in Yer. Shek. 46B/33,34. But the citation of Neh. 2.20 is missing.⁴⁴

VIII-9

TRANSLATION

A Jew is forbidden to receive non-Jewish alms openly, unless he be unable to subsist on Jewish alms and unable to obtain non-Jewish alms secretly.

SOURCE INQUIRY

CARO: *San. 26 (misprinted 25 in Wilna edition).*

BEN ZIMRA: *San. iii; San. 26B/31,32 quoted.*

VENICE: *San. iii, p. 26; B.B. 10.*

'EN MISHPAT: *B.B. 10B/43,44; No reference on San. 26B.*

What San. 26B/31,32 says is that Jews are disqualified from testifying in a Jewish court if both of two conditions obtain: 1.) Accepting gentile alms openly, 2) Possibility of obtaining those gentile alms covertly.

The words in San. 26B/32, "If nothing else is possible for him; this is his means of subsistence" are less explicit than the Maimonidean clause about inability to subsist on alms bestowed by Jews.

B.B. 10B/43-45 to which the Venice Edition refers and which the 'En Mishpat endorses report that R. Ammi refused to accept a benevolent gift from the non-Jewish queen, Iphra Hormiz. Raba did accept the gift for distribution among necessitous gentiles. The passage sustains the part of the Maimonidean statement which forbids the acceptance of non-Jewish alms. It provides for no other part of that statement.

VIII-10

TRANSLATION

A. The ransoming of captives takes precedence over the succoring and the clothing of the poor.

B. None among the sacred acts is more noble than that of ransoming captives.

⁴⁴ Yer. Shek. 46B/33, 34, while it does not serve Maim. as a precedent for quoting Neh. 2.20, does quote, in this connection, Ezra 4.3 which Maim. uses in a different context (VIII-8C not VIII-8F).

C. For the captive belongs to the categories of the hungry, the thirsty, the naked, the imperiled.

D. To shirk the ransoming of captives is to violate Deut. 15.7, 8, Lev. 19.16, 18, Lev. 25.36, 53, Prov. 24.11, and many other passages of like effect.

E. None among the sacred acts is more worthy than the ransoming of captives.

SOURCE INQUIRY

CARO: *B.B.* 8.

BEN ZIMRA: *B.B.* 8B/3-7 *quoted*.

VENICE: *Ibid.* (*B.B.* 10 in viii-9), 8.

'EN MISHPAT: *B.B.* 8A/51.

A. B.B. 8B/1 ranks the ransoming of captives as the superlative benevolence but does not, like Maim., mention the succoring and the clothing of the poor as illustrations of inferior types of benevolence.

B. This needs no source. It follows from what is said in A.

C. B.B. 8B/14 states that captivity comprises all of the misfortunes listed in Jer. 15.2 which enumerates: death, sword, famine, captivity. One of these four, famine, coincides with one of the Maimonidean four, the hungry. The other types do not coincide.

D. B.B. 8B/1-14 does not quote any of the passages quoted here by Maim. Maim., in turn, does not quote Jer. 15.2 which is pivotal for B.B. 8B/1-4.

E. This merely repeats B.

VIII-11

TRANSLATION

A. If townsfolk have collected sums for the rearing of a synagogue and thereupon occasion arises for some momentous act of charity, the funds collected shall be expended for that charity.

B. But, if stones and beams have already been purchased, these may be sold for no purpose whatsoever, no matter how benevolent, except that of ransoming captives.

C. Even though the stones have already been chiseled and the beams already shaped for the edifice, these may be sold for the ransoming of captives. They may not be sold with any other intent.

D. There shall be, however, no selling of a fully constructed synagogue. In that event, a special collection for the ransoming of captives shall be instituted in the community.

SOURCE INQUIRY

CARO: *B.B.* 3.

BEN ZIMRA: *B.B.i*; *B.B.* 3B/24-26, 28 quoted.

VENICE: *Ibid.* (*B.B. in viii-9*), 3.

'EN MISHPAT: *B.B.* 3B/25, 27.

A. The contents of this sentence rest on *B.B.* 3B/25, 26.

B. This is not stated in *B.B.* 3B/24-28 but it can be inferred.

C. The shaping of the beams is mentioned in *B.B.* 3B/28, but nothing is said there about stones and the chiseling of stones. *B.B.* 3B/28 speaks about the piling up of bricks.

D. *B.B.* 3B/28 inhibits the selling of a synagogue already constructed, but a special collection in behalf of captives is not prescribed.

VIII-12

TRANSLATION

A. In the interests of the public, captives are not to be ransomed at excessive prices, lest pursuit and capture by enemies be encouraged.

B. Again, in the interests of the public, captives are not to be aided to escape, lest enemies impose added vigilance and severities.

SOURCE INQUIRY

CARO: *Giṭ.* 45.

BEN ZIMRA: *Giṭ. iv*; *Giṭ* 45A/30 quoted.

VENICE: *Giṭ.* 45.

'EN MISHPAT: *Giṭ.* 45A/26, 27, 29, 31; *Ket.* 52B/1.

A. There are two interpretations of the Mishnaic phrase, *Tikkun Ha-'Olam* (*Giṭ.* iv, 6, *Giṭ.* 45A/27, 28). The *'Olam* whose interests are to be considered may be either the community which has to pay the ransom or it may consist of the persons who are likely to be captured. Maim. accepts the second of these views which, Dr. Guttman points out, is also the view of Alfasi.⁴⁵ *Ket.* 52 B/1, 2 quotes *Giṭ.* 45A/27, 28.

⁴⁵ Caro points out that Maim. follows Alfasi in the determination of the *Halakah* (VIII-12A). Alfasi announces the decision in his text of *Ket.* 52AB where he rules that the *Halakah* accords with the view of R. Simeon b. Gamliel

B. In the Mishnah, the Tanna Ḳamma, referring to escapes, is concerned about persons who might be captured in the future. R. Gamaliel is concerned about persons who may remain in captivity after others have escaped. According to Rashi, R. Gamaliel would approve of promoting escapes if none are left behind to suffer the resultant vigilance and severities.

Maim. merges both of these views by adopting the view of Gamaliel and couching it in the language of the Tanna Ḳamma. With the Tanna Ḳamma, the 'Olam consists of such persons as may be captured in the future. With Maim., the 'Olam here becomes the same as the *Shebuyim* of R. Gamaliel, that is the captives left in durance after others have escaped. Alfasi already pronounced the view of R. Gamaliel to be the *Halakah*.

VIII-13

TRANSLATION

A. If a person has sold himself and his children to non-Jews or if, as a result of his borrowing from non-Jews, the children be taken captive or he himself imprisoned, ransoming is a sacred duty the first time that such happens and the second time.

B. The third time, ransoming should not occur, except that the children may be ransomed after the father's death.

C. If, however, the individual is in peril of his life, ransoming takes place immediately; it matters not how often.

SOURCE INQUIRY

CARO: *No reference. (Applicable perhaps is the reference to Giṭ. in viii-12.)*

BEN ZIMRA: *Giṭ. iv.*

VENICE: *Ibid. (Giṭ. in viii-12), p. 46.*

'EN MISHPAT: *Giṭ. 46B/32,34; Giṭ. 47A/3.*

A. The topic of selling oneself or one's children to non-Jews is broached in *Giṭ. iv,9 (Giṭ. 46B/32,33)*.

The limitation to the second time appears in *Giṭ. 46B/35,40*.

probably, as Dr. Alexander Guttman suggests, because the view of R. Simeon b. Gamliel in *Ket. 52B/1* is the same as that of the Tanna Ḳamma in *Giṭ. 45A/27*. R. Simeon prohibits overpay even when the funds are provided privately without any drain on the coffers of the community. Dr. Guttman questions whether this was really the basis of Maimonides' decision.

Enslavement through debt is equated by Maim. with enslavement through sale mentioned in Giṭ. iv,9. Seizure for debt is treated in Giṭ. 46B/35-40. A specific case is discussed in which such seizure had happened recurrently and the rule affirmed that, after the second seizure, ransoming is to be refused.

B. As just stated, Giṭ. 46B/35-40 contains the ruling that, after the second instance, there is to be no further ransoming.

The ransoming of children, subsequent to the father's death, is ordained in Giṭ. iv,9 (Giṭ. 46B/34).

C. That the limitation to two instances is disregarded if the Jewish captive's life is in peril is stated in Giṭ. 47A/1-3.

VIII-14

TRANSLATION

A. A slave (owned by a Jew), inasmuch as he had to consent to ritual immersion and had to take upon himself (certain of the) sacred obligations (in order to remain in the Jew's possession) shall, if captured, be ransomed as a Jew is ransomed.

B. But there shall be no ransoming of a captured Jew who has forsaken Judaism by as little as one commandment such as eating, without justification, meat from an animal which has died a natural death.

SOURCE INQUIRY

CARO: *No reference. (Applicable perhaps is the reference to Giṭ. in viii-12.)*
 BEN ZIMRA: *No reference. (Applicable perhaps is the reference to Giṭ. in viii-13.)*

VENICE: *No note indicator in the Berlin (1862) reprint. Applicable here is, no doubt, the foot note referring to Giṭ. 37,38.*

'EN MISHPAT: *Giṭ. 37B/44.*

A. The *Mizwah* of ransoming slaves is affirmed in Giṭ. 37B/44. The requirement of baptismal immersion and of the assumption of certain *Mizwot* on the part of a slave who is to be owned by a Jew is treated by Maim. in *Hile'kot 'Issure Bi'ah* xiii-11 and xiv-9 with reference to Yeb. 48B/24-27. The baptism of slaves is also mentioned in 'Ab. Zar. 57A/14, 22,26, and in Yer. Kid. 64D/45. The Judaization of slaves is treated by Maim. likewise in *Hilekot Milah* i,6.

B. Giṭ. 47A/5-9 discusses the specific case of a Jewish captive who was accused of eating forbidden food, although permissible food was available. With reluctance, R. Ammi declines to approve of the captive's ransom. Maim. treats R. Ammi's decision as indicating a general rule.

VIII-15

TRANSLATION

A. A woman takes precedence over a man in the matter of assistance with food and clothing and in the matter of ransom from captivity.

B. Because a man can go begging which a woman, with her greater sensitiveness, can not do.

C. But if a man and a woman, both having been taken captive, are approached for indecent purposes, the man's ransom shall be given priority because, with a man, such doings are unnatural.

SOURCE INQUIRY

CARO: *Hor.* 13.

BEN ZIMRA: *Mishnah in Hor.* iii; *Yer. Hor.* iii,4.

VENICE: *Hor.* iii, p. 12 (error for 13).

'EN MISHPAT: *Ket.* 67A/47; *Hor.* 13A/20 (*Mishnah Hor.* iii,7); *Yer. Hor.* iii,4.

A. This is stated in *Hor.* iii,7.

B. Reference to mendicancy and to a woman's greater sense of shame does not occur in any of the references given. It does occur in *Ket.* 67A/47 and *Ket.* 67B/2 which none of our source finders mentions but which 'En Mishpat confirms.

C. The unnaturalness of homosexuality is considered in *Yer. Hor.* 48B/28,29. This is not *Yer. Hor.* iii,4 mentioned by Ben Zimra but, at least in the Krotoschin edition, *Yer. Hor.* iii,8.

VIII-16

TRANSLATION

A. If both a male orphan and a female orphan apply for assistance to marry, the female takes precedence. The reason is a woman's greater sensitiveness.

B. The woman shall receive, at marriage, not less than six and a fourth *denarii* of pure silver and, if charity funds be sufficient, she shall be supplied in accordance with her social rank.

SOURCE INQUIRY

CARO: *Ket.* 67.

BEN ZIMRA: *Ket.* vi.

VENICE: *Ket.* 67.

'EN MISHPAT: *Ket.* 67A/41,43,46.

A. This repeats essentially Ket. 67B/1,2.

B. This repeats essentially Ket. 67A/42. Where Maim. says six and a fourth *denarii*, Ket. 67A/42 says: fifty shekels. Maim. evidently regards a *denarius* as the equivalent of eight shekels.

VIII-17

TRANSLATION

A. If we are confronted by the problem of a considerable number of poor persons or of captives and our money be insufficient to succor, to clothe, and to ransom all of them, a priest among them takes precedence over a Levite and a Levite over a Jewish layman.

B. The lay Israelite takes precedence over the person who, though of priestly lineage, is disqualified for the priesthood by reason of his father's mismating.

C. The latter, however, takes precedence over the person of unknown paternity. This person, in turn, takes precedence over the foundling.

D. The foundling takes precedence over the bastard and the bastard over the Temple menial, that is, the person of Gibeonite descent.

E. The Temple menial, he of Gibeonite descent, having grown up with us amid the sanctities, takes precedence over the proselyte and the proselyte over the manumitted slave, the last named belonging to the category of persons accursed (Gen. 9.25).

SOURCE INQUIRY

CARO: *Hor.* 13.

BEN ZIMRA: *Mishnah in Hor.* iii.

VENICE: *Hor.* iii, p. 13.

'EN MISHPAT: *Hor.* 13A/22 (*Mishnah Hor.* iii,8).

A. The material for this is in *Hor.* 13A19,20,32.⁴⁶

B. *Hor.* 13A contains no mention of the *Ḥalal*, the person unfit for the priesthood because of his father's illegitimate connection.

⁴⁶ In a different sequence, the several types are listed in *Ḳid.* IV, 1, in *Yeb.* 37A/40, 41, and in *Seder Eljahu Rabba* (Friedman edit. p. 100) but without any reference to benevolence. The sequence of Priest, Levite, Israelite appears also in *Sifre* on Deut. #247, likewise without any reference to charity.

C. Hor. 13A contains no mention of the *Shetuki*, the person of unknown paternity. *Shetuki* and *'Asufi* are defined in Kid. iv,2.

D. Hor. 13A contains no mention of the *'Asufi*, the foundling, but it does mention the bastard and the *Natin*, the Temple menial descended from the Gibeonites.

E. Hor. 13A/32 mentions the proselyte and the manumitted slave.

VIII-18

TRANSLATION

A. The foregoing rule applies only when people are equal as to scholarship.

B. But if there be a high priest who is ignorant and a bastard who is learned, priority goes to him who is learned. The person of superior knowledge always takes precedence.

C. And yet, if excelled as to wisdom by some member of a group in which they are included, one's teacher or one's father — granted that one's father be scholarly — shall take precedence over the person of ampler attainment.

SOURCE INQUIRY

CARO: *No reference. (Applicable perhaps is Hor. 13 of viii-17.)*

BEN ZIMRA: *Ibid. (Hor. iii of viii-17); Hor. 13A/33 quoted in part; B.M. ii; B.M. ii,11 quoted in part.*

VENICE: *B.M. 33.*

'EN MISHPAT: *B.M. 33A/21,22 (Mishnah B.M. ii,11).*

A. This repeats Hor. 13A/33.

B. This repeats Hor. 13A/33.

C. Neither B.M. ii,11 nor Hor. 13A/33 refers to any group in which father and teacher are included. The comparison is restricted to that of father and teacher.

Hor. 13A/20 mentions clothing and ransom. B.M. ii,11 mentions ransom only. Maim. mentions succor and clothing and ransom when he initiates the topic in viii-17A.

IX-1

TRANSLATION

A. Wherever Jews may reside, theirs is the duty of appointing, from among themselves, well known and trustworthy men to serve as administrators of charity and to go about among the

people every Sabbath eve, soliciting from each whatever it is fitting for each to give and whatever is assessed upon him.

B. Every Sabbath eve, these administrators shall disburse the money and allot to every poor person enough food for seven days.

C. This is the fund known as the "Basket."

SOURCE INQUIRY

CARO: *B.B. i, p. 8B; Peah viii.*

BEN ZIMRA: *B.B.i; Peah viii.*

VENICE: *B.B. p. 8.*

'EN MISHPAT: *No reference at any of these passages. Ab. Zar. 17B/25 contains a reference to our x-8.*

A. B.B. 10B/8,9 is apparently the basis of the Maimonidean requirement that charity solicitors be prominent and trustworthy persons. That passage refers to Hananiah ben Teradyon as the exemplary administrator. It was Hananiah who, according to Ab. Zar. 17B/25-28, made good, out of his own pocket, the consequences of an accidental mixing of funds.

That the *Kuppah* involves a fixed assessment is stated by Alfasi on B.B. 8B (Wilna, 1870, Vol. vi, p. 5B). *וְאֶחָד וְאֵין הַנְּבִאִין מוֹסִיפִין וְלֹא גִזְרִין שְׁהָקוּפָה דְּבֵר קָצוּב הוּא עַל כָּל אֶחָד*.

The text of B.B. 8B/19 as given in Alfasi makes it clear that Friday is the day of solicitation. In the ordinary text of B.B. 8B/19, this is not explicit.

B. The phrase in B.B. 8B/19 may refer to weekly collection or to weekly disbursement or to both. Maim. makes the weekly disbursement explicit.

None of the sources here mentioned specifies that the amount given should suffice for a seven days' supply of food. Such, however, can be inferred from the fact that the interval of distribution is one of seven days and also from the statement in Peah viii,7 that one is ineligible for the "Basket" if one possesses enough food for fourteen meals.

C. B.B. 8B/14,15 attaches the name *Kuppah*, "Basket," to the fund from which disbursement is made every Friday.

IX-2

TRANSLATION

A. Similarly administrators are appointed to go from courtyard to courtyard every day, accepting bread and other kinds of food, also fruit and whatever money anyone may, at the time, feel disposed to contribute.

B. In the evening, these administrators distribute that which has been collected and allot to every poor person that which the poor person needs for the day.

C. This is the benevolence known as the "Dish."

SOURCE INQUIRY

CARO: *No reference. (Applicable here perhaps is the reference to B.B. 8B and to Peah viii in ix-1.)*

BEN ZIMRA: *No reference. (Applicable here perhaps is the reference to B.B. i and to Peah viii in ix-1.)*

VENICE: *Peah, last chapter, Mishnah 7.*⁴⁷

'EN MISHPAT: *No reference to Matnot 'Aniyim at any of these passages.*

A. This daily solicitation is mentioned explicitly not in the ordinary text of B.B. 8B/19 but in that of Alfasi.

B.B. 8B/19 entails no mention of fruit or any other kind of food. Such is, in all likelihood, implied however in B.B. 8B/24 which speaks of selling *Tamḥuy* articles when no poor are on hand to receive them. Dr. Isaiah Sonne suggests that, originally, the *Tamḥuy* contained no money at all but only articles of food and that it was Maim. who added the reference to money because of the words in Tos. Peah iv, 10: עני שנותן פרוטה לַתַּמְחִי. From ix-3 it would appear, nonetheless, that Maim. is not theorizing but is reporting actual practice.

B. Daily disbursements may be implied but these are not explicitly mentioned either in B.B. 8B/19 or in Alfasi to B.B. 8B/19.

C. Alfasi to B.B. 8B/19 applies the name *Tamḥuy* to the benevolence for which collections are made daily.

IX-3

TRANSLATION

A. Never have I seen or heard of a Jewish community which lacked a charitable "Basket."

B. But while some communities maintain a "Dish," others do not.

C. Today it is a common practice for administrators of the "Basket" to collect every day but to disburse only on Sabbath eve.

⁴⁷ Nothing in IX-2 involves Peah VIII, 7 except the word *Tamḥuy*. Peah VIII-7 treats a phase of *Tamḥuy* different from that considered in our IX-2.

SOURCE INQUIRY

No source is involved here, since the passage merely reports practices prevailing in the days of Maim.

The practice reported in ix-3C deviates from the norm laid down by Maim. in ix-1A, ix-2A, and ix-6A, according to which *Kuppah* collections are not a daily affair but a weekly affair. Such is also the version of Alfasi on B.B. 8B/19 where Alfasi reads: תמחוי נבית בכל יום קופה מע"ש לע"ש.

The ordinary text of B.B. 8B/19 says merely: תמחוי בכל יום קופה מע"ש לע"ש. This fails to make clear whether these weekly intervals refer to collection or to disbursement or to both. Rashi states that it refers to both.

The practice reported by Maim. would thus constitute a deviation from Talmudic prescription.

IX-4

TRANSLATION

A. Food is apportioned to the poor on fast days.

B. To dine at the end of a fast day and to retire for the night without some charitable distribution to the needy is tantamount to bloodshed. To such dereliction, tradition applies the words of Isa. 1.21.

C. This obtains when there is neglect to give bread or such fruits as dates or grapes which are eaten together with bread.

D. Not tantamount to bloodshed is delay in granting money or wheat.

SOURCE INQUIRY

CARO: *San. 35; Yer. Peah end.*⁴⁸

BEN ZIMRA: *San. iv; San. 35A/16,17 quoted.*

VENICE: *San. p. 35.*

'EN MISHPAT: *San. 35A/17,19.*

A. This is implied in *San. 35A/16,17.*

B. This is stated explicitly in *San. 35A/16,17.*

C. This is contained in *San. 35A/18* except that *San. 35A/18,19* does not embody the observation that dates and grapes are eaten together with bread.

D. This is contained in *San. 35A/19.*

⁴⁸ It was not possible to find in *Yer. Peah* any reference to allotments for fast days.

IX-5

TRANSLATION

A. At least two persons must participate in the collecting of funds for the "Basket," because communal authority in matters of money may be exercised by no fewer than two.

B. It is permitted, however, to entrust the collected funds of the "Basket" to the care of one individual.

C. Disbursement requires at least three, because disbursement resembles a legal decision in money matters, each recipient being granted what he needs for the week.

D. For the "Dish," the collecting must be done by no fewer than three, inasmuch as the "Dish" entails no fixed assessments.

E. Disbursements in connection with the "Dish" also require three.

SOURCE INQUIRY

CARO: *B.B. p. 8; Peah viii.*

BEN ZIMRA: *B.B. i; B.B. 8B/14,15 quoted.*

VENICE: *B.B. p. 8; Sof. p. 21.⁴⁹*

'EN MISHPAT: *B.B. 8B/14,16,17,27,28; Peah viii,7.*

A. That two must function at the solicitation for the *Kuppah* is stated in *Peah viii,7* and in *B.B. 8B/14,15*, while *B.B. 8B/16* gives the reason, namely, that domination may not be wielded by fewer than two.

B. Entrusting, to one individual, funds already collected rests on *B.B. 8B/27*, *הא הימני מהימן*.

C. *Peah viii,7* and *B.B. 8B/17* ordain that three must function at disbursements from the *Kuppah*.

B.B. 8B/17 adds that disbursement resembles, in this regard, legal decisions touching matters of money. *Maim.*, however, predicates more than mere resemblance. *Maim.* regards the rule about decisions in money matters as the *reason* for the rule about disbursements from the *Kuppah*. That the one rule is the basis of the other is stated not in *B.B. 8B/17* but in *Alfasi* on the passage.⁵⁰

D. That three participate in collections for the "Dish" is affirmed in *B.B. 8B/19*. *Rashi* explains that, for the "Dish," three collectors are needed because three persons had to be on hand for the disbursement.

⁴⁹ This is probably *Sot. 21B/18* which quotes *Peah VIII.8* and belongs not with IX-5 but with IX-13.

⁵⁰ *Alfasi* (Wilna 1870, Vol. V, p. 5B): *ונמצא כדיני ממונות לפיכך צריך שלשה.*

To seek out a third individual every day as a disbursement associate would have entailed great inconvenience.

The text in B.B. 8B does not support the Maimonidean reference to fixed assessments. The consideration about fixed assessments appears in Alfasi (V, p. 5B in Wilna edition 1870). Yoreh De'ah 256-3 explains that, when the expected contribution is not a fixed sum, study is needed in order to decide how much each prospect ought to give. Hence the requirement that there be three solicitors.

E. This statement rests on B.B. 8B/17.

IX-6

TRANSLATION

A. Collections for the "Dish" occur every day and, for the "Basket," every Sabbath eve.

B. No matter whence poor people may come, they are eligible for the "Dish" but, for the "Basket," only the poor of that community are eligible.

SOURCE INQUIRY

CARO: *B.B. x (Probably a misprint for i); Tos. Peah.*⁵¹

BEN ZIMRA: *Ibid. (B.B. i in ix-5); B.B. 8B/19,20 quoted.*

VENICE: *Ibid. (B.B. p. 8 in ix-5).*

'EN MISHPAT: *B.B. 8B/19,20.*

A. This statement comes almost verbatim from B.B. 8B/19. It repeats what has already been said in ix-1A, 2A but what has met deviation in ix-3C, as regards the "Basket."

B. This sentence comes almost in its entirety from B.B. 8B/20.

IX-7

TRANSLATION

A. The townsfolk have the authority to divert "Basket" funds to the "Dish" and "Dish" funds to the "Basket" and to effect, in this regard, any changes which the community may need and the townspeople may desire though, at the time of collection, such may not have been stipulated.

⁵¹ This reference has bearing not here but in IX-12.

B. If there be, in that region, a man of such wisdom and prominence that collections are made with the understanding that this man is to use his own judgment, allotting the money to the poor as he sees fit, such a man is free to institute, in these matters, any changes which he believes the good of the community may require.

SOURCE INQUIRY

CARO: *No reference. (Applicable perhaps is B.B. i from ix-6.)*

BEN ZIMRA: *Ibid. (B.B. 8B in ix-6).*

VENICE: *Ibid. (B.B. 8 in ix-5).*

'EN MISHPAT: *B.B. 8B/19,20.*

A. The prerogative of the townsfolk to make such changes is affirmed in B.B. 8B/20,21.

However, the idea of stipulation derives from B.B. 9A/2-4 where the reference is not to the townsfolk but to the influential Rab Ashi. Maim. combines elements which B.B. 8B and 9A keep separate.

B. In B.B. 9A/2-4, Rab Ashi alone possesses the authority to allocate charity funds according to his own judgment. B.B. 8B (bottom) mentions other authorities who assumed the right to interchange the two funds provided stipulation to that effect had been entered at the time of collection. Maim. extends the prerogative of Rab Ashi to any renowned and respected sage.

IX-8

TRANSLATION

Administrators of charity may not separate from one another while out soliciting, except that one of them may solicit at the (city) gate, while the other solicits at the shops (near the gate).

SOURCE INQUIRY

CARO: *No reference. (Applicable here perhaps is B.B. i of ix-6.)*

BEN ZIMRA: *Ibid. (B.B. 8B in ix-6); B.B. 8B/39 quoted.*

VENICE: *Ibid. (B.B. 8 of ix-5).*

'EN MISHPAT: *B.B. 8B/39,40,41 (although lines 40,41 belong to ix-9).*

This paragraph renders B.B. 8B/39 almost verbatim.

IX-9

TRANSLATION

Should one of the solicitors find money in the street, he shall put that money not in his own purse but in the collection box and then recover it after he gets home.

SOURCE INQUIRY

A. CARO: *No reference. (Applicable perhaps is B.B. i of ix-6.)*

B. BEN ZIMRA: *Ibid. (B.B. 8B of ix-6).*

VENICE: *Ibid. Ibid. (B.B. 8 in ix-5,6,7,8).⁵²*

'EN MISHPAT: *B.B. 8B/39,40,41 (although line 39 belongs to ix-8).*

The paragraph accurately reproduces B.B. 8B/40,41.

IX-10

TRANSLATION

A. Should one of two solicitors, while out soliciting, repay money which he may have borrowed from the other, the latter shall not put that money in his own purse.

B. He shall drop it in the collection box and then recover it after he gets home.

C. To preclude all suspicion, the coins of the "Basket" shall be counted not two by two but one by one, as ordained in Num. 32.22b.

SOURCE INQUIRY

CARO: *No reference. (Applicable perhaps is B.B. i of ix-6.)*

BEN ZIMRA: *Ibid. (B.B. 8B of ix-6).*

VENICE: *Ibid. (B.B. 8B of ix-5).*

'EN MISHPAT: *B.B. 8B/45.*

A. This is derived from B.B. 8B/41,42.

B. This derives from B.B. 8B/42,43.

C. This derives from 8B/45 except that B.B. 8B does not supply Maim. with the quotation from Num. 32.22.

⁵² There is no reason to doubt that this applies to IX-10 although, in the 1862 Berlin reprinting of these Vienna edition notes, the paragraph number for 10 is missing.

IX-11

TRANSLATION

A. If there are no poor on hand to whom the money can be allotted, the administrators of the "Basket" shall exchange the coins for those of larger denominations.

B. But the larger currency shall be provided by others, not by the administrators themselves.

C. Administrators of the "Dish," when there are no needy at hand, shall sell the supplies, but shall sell them to others, not to themselves.

D. The accounts of charity administrators, like those of the Temple treasurers, are not subject to audit. This is in accordance with II Ki. 12.16.

SOURCE INQUIRY

CARO: *No reference. (Applicable here perhaps is B.B. i of ix-6.)*

BEN ZIMRA: *Ibid. (B.B. 8B of ix-6).*

VENICE: *Ibid. (B.B. 8 of ix-5); Ibid. p. 9.*

'EN MISHPAT: *B.B. 8B/43,44; B.B. 9A/13.*

A. This derives from B.B. 8B/43, although the passage in B.B. 8B/43 does not ordain that the administrators *shall* exchange the coins. B.B. 8B/43 merely prescribes the procedure to be followed *if* they exchange the coins.

B. This stands in B.B. 8B/43,44.

C. This stands in B.B. 8B/44.

D. This stands in B.B. 9A/13-17 which quotes II Ki. 12.16 correctly, the Maimonidean text quoting it somewhat erroneously.

IX-12

TRANSLATION

A. Whoever has dwelt in a region for thirty days is, like the inhabitants of that region, required to contribute to the charity of the "Basket."

B. After a sojourn of three months, one is required to contribute to the "Dish."

C. After a sojourn of six months, one is required to contribute to the fund from which the city's necessitous are clothed.

D. After a sojourn of nine months, one is required to contribute to the charity fund for interment and for other funeral arrangements in behalf of the needy.

SOURCE INQUIRY

CARO: *No reference. (Applicable here perhaps is B.B. i of ix-6 and Tos. Peah of ix-6 whose dislocation we noted.)*⁵³

BEN ZIMRA: *Alfasi; Yerushalmi.*

VENICE: *Ibid. (B.B. 8 of ix-5), p. 5 (perhaps misprint for 8).*

'EN MISHPAT: *B.B. 8A/44.*

A. The period of sojourn in connection with the *Kuppah* is mentioned in B.B. 8A/44. However, B.B. 8A/44 specifies, as regards the *Kuppah*, not the thirty days designated by Maim. but a period of three months. The thirty days noted by Maim. do accord with Tos. Peah iv,9 and with Alfasi's version of B.B. 8A/44.

The idea of compulsion (*Kofin*) is explicit not in B.B. 8A/44 but in Alfasi on B.B. 8A/44 which holds that "contributions are exacted with or without the contributor's assent."⁵⁴

B. B.B. 8A/44, Alfasi on B.B. 8A/44 and Tos. Peah iv,9 are here again involved. Maim. rules in accordance with Alfasi and with Tos. Peah, not in accordance with B.B. 8A/44 which specifies, as regards the *Tamhuy*, not three months but thirty days..

C. This accords with B.B. 8A/44, Tos. Peah iv,9, Yer. Peah 21A/43, 44 and with Alfasi on B.B. 8A/44.

D. This accords with B.B. 8A/44, Alfasi on B.B. 8A/44, and Tos. Peah iv,9.

⁵³ Probably not a dislocation but an error of printing in the edition of Wilna, 1900, which failed to indicate that the reference belongs to IX-12 and not to IX-6. The letters for 12 may be missing.

⁵⁴ The words of Alfasi (V, 5B top, Wilna, 1870) are: *דכל הני מילי חיובא ניהו ומפקין מניהו בעל כרחן*:

A colleague has suggested to the writer that the *Kofin* of Maim. derives from B.B. 8B/31 where Raba uses compulsion on R. Nathan bar Ammi. But, aside from the fact that the 'En Mishpat does not confirm this, B.B. 8B/31 has nothing to do with a period of sojourn. At the same time, when we consider the frequent gaps between Maim. and his "sources," the suggestion is not entirely without merit.

IX-13

TRANSLATION

A. Whosoever possesses food sufficient for two meals is ineligible for the benefits of the "Dish."

B. Whosoever possesses food sufficient for fourteen meals is ineligible for the benefits of the "Basket."

C. If one possesses 200 *Zuz* uninvested in one's business or 50 *Zuz* thus invested, one is debarred from receiving gratis that which can be gleaned or which is forgotten at the harvest or that which grows in the corners of the fields. One is also debarred from the poor-tithe of Deut. 14.29.

D. If a person lacks but a *denar* of those 200 *Zuz*, he is entitled to charity though each of a thousand people were, at one and the same time, to hand him alms.

E. One may avail oneself of charity if the money in one's possession, in excess of the above maxima, is subject to claim for one's debts or for the dowry of one's wife.

SOURCE INQUIRY

CARO: *Peah viii.*

BEN ZIMRA: *Peah viii*; *Peah viii,7* quoted.

VENICE: *Peah viii,7,8*; *Ket. 68*.⁵⁵

'EN MISHPAT: *Peah viii,7,8,9*; *Soṭ. 21B/18* (which merely quotes *Peah viii,8*).

Peah viii,7,8,9 contains everything stated in ix-13.

IX-14

TRANSLATION

A. If a poor person owns a domicile and household furnishings, he may avail himself of charity without being required to sell those belongings, though these should include objects of gold or of silver.

B. To assist such a person is, in fact, meritorious.

C. This refers, of course, to such objects as dishes for food or for drink, also to clothing, sleeping mats and the like.

⁵⁵ There is nothing in *Ket. 68A* or *68B* applicable to our IX-13. The reference to *Ket. 68* belongs no doubt to IX-14 and is here dislocated.

D. But, if the objects of gold or of silver be articles such as a strigil or a pestle, those objects must be sold and less costly ones procured in their place.

E. The first of the sentences above refers to a person who has not yet descended to the point of seeking aid from the funds of the community.

F. Once that point has been reached, all of those belongings must be sold and less costly ones procured in their place. Only then may the individual receive that assistance.

SOURCE INQUIRY

CARO: *Ket. 68; Alfasi.*

BEN ZIMRA: *Ibid. (Peah viii); Peah viii,8 quoted; Ket. vi; Ket. 68A/13-20 quoted. (Ket. 68A/12,13 quotes the last sentence of Peah viii,8.)*

VENICE: *No reference. (Intended here perhaps is Ket. 68 erroneously connected with ix-13.)*

'EN MISHPAT: *Ket. 68A/12,13,18,19.*

Three authorities are cited in *Ket. 68/13-20*: Zebid, Papa, and Raba. Their opinions may be listed as follows:

1. Zebid: Cups and dishes must be sold before benefits are granted.
2. Zebid: Beds and tables need not be sold before benefits are granted.
3. Raba: A silver strigil is sold before benefits are granted.
4. Papa: None of these things is sold prior to seeking aid from the funds of the community.⁵⁶
5. Papa: All of these things are sold before that aid is granted.

A. Following *Ket. 68A/20*, this seems to accord with opinion 4.

B. Ben Zimra points out that this is an interpretative addition of Maim. Ben Zimra observes: One would think it other than meritorious to grant alms to one who owns household belongings. Therefore Maim. must pause to remind us that it *is* meritorious.⁵⁷

⁵⁶ Maim. takes the word *Gibbuy* in *Ket. 68A/20* to mean the indigent's resort to the charitable funds of the community. A different meaning is assigned by Rashi. Rashi understands by *Gibbuy* that the collecting is done by the court to recover, from the recipient of agricultural allowances, that which he has appropriated illicitly i. e. appropriated while in possession of 200 *Zuz* or more.

⁵⁷ It is difficult to agree with a colleague who sees in *העבית תעביתו מכל מקום* in Hoffmann's *Midrash Tannaim* (Berlin, 1908-1909, p. 81 treating Deut. 15.8) a basis for IX-14B. The passage in Hoffmann refers not to giving but to lending on a pledge. Nor does it allude to the problem before us, the problem presented when the necessitous person still has some belongings. We must, nonetheless, make the same concession here as in note 54 *supra*.

C. This also accords with opinion 4. Opinion 4 is lenient and thus divergent from opinion 1 which is rigid.⁵⁸

This would also comport with opinion 2, assuming that the clothing and the sleeping mats mentioned by Maim. fall in the same category as the beds and the tables of Zebid.

D. Maim. resolves the conflict between opinion 3 and opinion 4 by using opinion 3 to qualify opinion 4. Caro and Ben Zimra apprise us that various of the commentators similarly harmonize opinions 3 and 4. Among these commentators, Caro mentions Alfasi.

The pestle here supplements the strigil of Ket. 68A/18.

E. This comports with opinion 4.

F. This comports with opinion 5.

IX-15

TRANSLATION

A. A householder who, while on a journey, uses up his money and finds himself without means for food is allowed to help himself to that which can be gleaned or which the harvesters have forgotten or to that which grows in the corners of the fields or to poor-tithe or to any other kind of benevolence.⁵⁹

B. Such a person is not obliged to restore the amount after he gets home, because he really was poor at the time. He resembles an indigent who is under no obligation to repay should he ever become wealthy.

SOURCE INQUIRY

CARO: *Peah v.*

BEN ZIMRA: *Peah v.*

VENICE: *Peah v,4; Hul. p. 130.*

'EN MISHPAT: *Peah v,4; Hul. 130B/30.*

A. This comports with *Peah v,4*, and *Hul. 130B/24,25*.

B. This comports with the majority view of *Peah v,4* and rejects the dissenting view of R. Eliezer. That the Halakah follows the majority

⁵⁸ It has been pointed out to the writer that this opinion has been refuted in Ket. 68A/17, 18.

⁵⁹ Ben Zimra comments that "any other kind of benevolence" is an inference made by Maim. himself.

view is stated in Ber. 9A/11 and in numerous other passages noted in the *Massoret Hashas* to Ber. 9A/11.

Hul. 130B/30 contains the phrase about the indigent who subsequently acquires means.

IX-16

TRANSLATION

A. One who owns houses, fields, or vineyards and who would, during the rainy season, have to sell them for less than their value but who would obtain full value if he waits until the sunny season, is not required to sell during the rainy season.

B. He is permitted to subsist on poor-tithe up to one-half of the value. He must not feel pressed to dispose of his property at an inopportune time.

SOURCE INQUIRY

CARO: *B.K. 7; Alfasi.*

BEN ZIMRA: *B.K. 7A/26-28, 7B/2-5 and Alfasi to same quoted.*⁶⁰

VENICE: *B.K. p. 7.*

'EN MISHPAT: *B.K. 7A/26; B.K. 7B/2.*

A. The difference between rainy season and sunny season is treated in B.K. 7B/2-5, the topic under discussion beint initiated in B.K. 7A/26-28.

B. Commentators offer various interpretations of the words '*Ad Mehezah*' in B.K. 7A/28. While Caro and Ben Zimra note that Maim. elects one of these interpretations, the wording of Maim. in ix-16 does not indicate which.⁶¹

These several interpretations are:

1. Rashi: Poor-tithe may be accepted up to the value of 100 *Zuz*, these 100 *Zuz* being *one-half of the 200 Zuz* which are just beyond the maximum of what one may possess without becoming ineligible for poor-tithe (Peah viii,8).

2. Ben Zimra: Poor-tithe may be accepted up to *one-half the value of the property owned* but unsalable at a fair price.

⁶⁰ The Alfasi rendering is pertinent not to IX-16 but to IX-17.

⁶¹ Caro and Ben Zimra claim that Maim. follows the explanation which we have called Interpretation 2. But it is hard to gather this from the Maimonidean language. In IX-17, Maim. adopts the explanation which we have called Explanation 3.

3. Caro: Poor-tithe may be accepted until it is possible to *sell the property at one-half its normal value*. This is also the view of Rashi on B.Ḳ. 7B (near B.Ḳ. 7B/20).

IX-17

TRANSLATION

A. A person is not required to sell at a time when people are paying high prices while the seller, because of his straightened circumstances, can obtain only a low price.

B. Such an owner is allowed to subsist on poor-tithe as long as may be necessary to enable him to sell at a normal price, people being made to understand that he is under no pressure to sell.

SOURCE INQUIRY

CARO: *No reference. (Applicable here is B.Ḳ. 7 of ix-16.)*

BEN ZIMRA: *B.Ḳ. 7A/30,31,7B/1 quoted.*

VENICE: *Ibid. (B.Ḳ. p. 7 of ix-16).*

'EN MISHPAT: *No reference to B.Ḳ. 7A or B.*

A. This is the situation discussed in B.Ḳ. 7A/30 to 7B/1.

B. B.Ḳ. 7B/1 flatly contradicts this. B.Ḳ. 7B/1 states that, in such cases, the hard pressed proprietor receives nothing in the way of poor-tithe.⁶²

However, Alfasi has a recension differing from that of our ordinary text. The Alfasi recension of B.Ḳ. 7A/29 to 7B/1 inverts the import of the ordinary text. Alfasi reads:

If land in general slumps in value and that of the hard pressed owner slumps concomitantly, *not even a small amount of poor-tithe is granted him.*

But, if land in general rises in value while, owing to his need for funds, the land of the hard pressed land owner slumps in value, *poor-tithe is granted him beyond one-half.*

In our ordinary texts, the italicized apodoses are interchanged.

Maim. follows the reading of Alfasi.

Maim. is considering not the first but only the second of the above-named situations, i. e. a general rise in value attended by the hard pressed

⁶² Rashi interprets that, because the general market is prosperous, the property is intrinsically worth more than 200 *Zuz* and Peah VIII,8 forbids anyone with 200 *Zuz* to receive the poor-tithe.

proprietor's inability to obtain any but a low price.⁶³ Maim. sanctions a generosity not obvious in his source.

Maim., in this paragraph, makes clear what meaning he imputes to the 'Ad Mehezah of B.K. 7A/28. He obviously takes 'Ad Mehezah to mean a selling price equal to one-half the value of the property. This is the view mentioned above, under ix-16, as view No. 3.

Neither the ordinary version nor that of Alfasi refers to the public awareness that the proprietor is under pressure to sell.

IX-18

TRANSLATION

A. If sums collected to supply the needs of a poor person exceed the required amount, that poor person may retain the excess.

B. Excess amounts in collections for the poor shall go to the poor; in collections for captives, shall go to captives; in collections for the dead, shall go to the dead.

C. In a collection for some deceased individual, the excess shall go to the heirs.

SOURCE INQUIRY

CARO: *Sheḳ. ii.*

BEN ZIMRA: *Sheḳ. ii; Sheḳ. ii,5 quoted.*

VENICE: *Sheḳ. p. 3; San. p. 48.*⁶⁴

'EN MISHPAT: *San. 48A/29.*

A. The material of this is in *Sheḳ. ii,5.*

B. The material of this is in *Sheḳ. ii,5.*

C. Regarding a collection made for the burial of some individual, *Sheḳ. ii,5* records three opinions:

Tanna Ḳamma: Excess shall go to the heirs of the deceased.

⁶³ We assume that, when Maim. says: עַד שִׁמְכוֹר בָּשׂוּהּ he means the same that B.K. 7A/29 means when it says: טוֹבָא נָמִי לִיסְפוּ לֵיהּ "Though he can sell the property for more than one-half of its value, charitable assistance is nonetheless accorded him." The underlying presuppositions of the Talmud are those embodied in the clauses of Peah VIII, 8 withholding aid from one possessed of 200 Zuz or more and granting any amount of aid to one owning less than 200 Zuz. Ben Zimra cites also Peah V, 4 concerning aid extended to a householder who, on a journey, becomes stranded for lack of funds.

⁶⁴ *San. 48A/29, 30* quotes *Sheḳ. II, 5.*

R. Meir: Excess shall remain "until Elijah comes."

R. Nathan: Excess shall be used for a tomb structure.

As Bertinoro notes, the Halakah follows the Tanna Kamma. Dr. Alexander Guttman explains that the Tanna Kamma is regarded as identical with the majority, thus rendering applicable the rule, noted in ix-15B, that when an individual and a majority differ, the view of the majority prevails as the Halakah.

IX-19

TRANSLATION

A. The tiny coin which a poor person contributes to the "Dish" or to the "Basket" is accepted.

B. However, if he fails to contribute, he is not constrained, as if he were obligated, to do so.

C. The tattered clothes which a poor person offers in exchange for new clothes are accepted.

D. But, if he fails to proffer those old garments, he is not constrained, as if he were obligated, to yield them.

SOURCE INQUIRY

CARO: *Tos. Peah iv.*

BEN ZIMRA: *Tos. Peah iv.*

VENICE: *Tos. Peah iv.*

'EN MISHPAT: *No Tosefta references.*

ix-19 substantially reproduces Tos. Peah iv,10.

X-I

TRANSLATION

A. It is incumbent upon us to be more scrupulous about the sacred act of benevolence than about any other sacred act ordained by positive command.

B. For benevolence (*Zedakah*) is the trait by which is recognized the righteous (*Zaddik*), the seed of Abraham, our father (Gen. 18.19).

C. The throne of Israel is established and the true religion upheld only through benevolence (Isa. 54.14).

D. Israel is redeemed only through benevolence (Isa. 1.27).

SOURCE INQUIRY

CARO: *B.B. 10; Sab. 139.*

BEN ZIMRA: *Yeb. viii; Sab.*

VENICE: *Yeb. viii, p. 79; Sab. p. 139.*

'EN MISHPAT: *Sab. 139A/17.*

A. No source is offered for this sentence.⁶⁵

B. The quotation from Gen. 18.19 appears in Yeb. 79A/7-9 where, with additional quotations (Deut. 13.18, Exod. 20.20), it is stated that the Jewish people are characterized by compassion, modesty, and helpfulness. This approximates, though it does not entirely coincide with, our x-1B.

C. None of the sources mentioned speaks of the throne of Israel or of the true religion.

D. Quoting, like Maim., Isa. 1.27, Sab. 139A/18,19 brings out that benevolence procures the redemption of Jerusalem. The same is affirmed in B.B. 10A/33 which uses, however, Isa. 56.1, a verse that Maim. does not cite.

The wording in Sab. 139A/18,19 is: "Jerusalem is redeemed only through benevolence" (Isa. 1.27). The wording in B.B. 10A/33 is: "Great is benevolence for it brings redemption near" (Isa. 56.1) and similarly in San. 98A/28. Tos. Peah IV,21 bases the identical thought on Jer. 16.5. None of these passages contains a sentence with "Israel" as the subject.

X-2

TRANSLATION

A. Never has a person become impoverished by practicing benevolence, and never has there resulted from benevolence any evil or any harm (Isa. 32.17).⁶⁶

B. He who shows mercy shall be Divinely favored with mercy (Deut. 13.18).

C. Questionable is the lineage of him who is unmerciful and cruel. For cruelty prevails only among the heathen (Jer. 50.42).

⁶⁵ B.B. 9A/40 contains the remark that benevolence is the equivalent of all of the sacred acts combined. This, in a way, approximates X-1A, although none of our source finders refers to B.B. 9A/40.

⁶⁶ The ordinance of Usha (Ket. 50A/5) which Maim. by no means overlooks (VII-5) does apprehend the possibility of becoming poor as a result of benevolence. In note 22 *supra* we called attention to the Maimonidean disapproval of excessive generosity in *Hilekot 'Arakin* VIII-13.

D. All Israel and those attached to them are like brothers (Deut. 14.1).

E. If brother bestoweth not compassion upon brother, who is there to bestow that compassion?

F. Upon whom shall the poor of Israel fix their eyes? Upon the heathen by whom they are hated and persecuted? Their eyes can be fixed only upon their brethren.

SOURCE INQUIRY

CARO: *Yeb.* 79; *Sab.* 151B/40 quoted.

BEN ZIMRA: *B.B.1* (misprinted *B.K.* in the Wilna edition).

VENICE: *B.B.* p. 9; *Sab.* 151.

'EN MISHPAT: *Sab.* 151B/40.

A. None of the sources mentioned quotes Isa. 32.7 and none contains the observation that harm never results from benevolence.

Some suggestion of x-2A may reside in B.B. 9B/42 which interprets Prov. 21.21 to mean that, unto him who practices benevolence, God will provide the funds for continued benevolence.

B.B. 9B/39,40 quotes Isa. 58.10,11 in the enumeration of the rewards awaiting the benevolent, some of which phrases may have been construed to mean prosperity or, at least, immunity to economic misfortune. To those who practice charity, B.B. 10B/16 applies Isa. 33.16, "his bread shall be given, his waters shall be sure." However, the *'En Mishpat* identifies none of these passages with our x-2. Thus we do not know whether we have or have not found any source for our x-2A.⁶⁷

⁶⁷ A colleague has suggested Ket. 66B/33, "Benevolence is a salt-like preservative of one's money," or Sab. 119A/25 and Ta'an 9A/1, "Pay tithes and become rich." But neither of these passages is connected by the *'En Mishpat* with X-2A. Besides, Ket. 66B/33 says more than is contained in X-2A. X-2A proffers merely the negative observation that charity does not impair one's wealth. Ket. 66 B/33 goes further. Ket. 66 B/33 says not that charity is innocuous but that it is positively beneficial. It neutralizes the forces which do impair one's wealth. The same applies to Sab. 119A/25 and to Ta'an. 9A/1, in addition to the fact that these passages refer to tithes rather than to benevolence in its larger scope.

Another colleague has suggested *Yalkut Shim'oni, Re'eh*, 893, "Do tithing that thou fall not into lack. Do tithing that thou become rich. God said: 'Tithe what is Mine and I shall enrich what is thine.' " To these references the same objections apply as those just mentioned. Despite all of this, we have to make the same reservations and concessions as those mentioned *supra* note 54.

B. Including the quotation from Deut. 13.18, this is contained in Sab. 151B/40,41. Yeb. 79A/10 quotes Deut. 13.18 but not in support of this particular idea.

C. The nearest that any of these sources comes to this thought is the view in Yeb. 79A/7-9 quoted in connection with x-1B. And yet Yeb. 79A/7-9 does not use Jer. 50.42 nor does Maim. reproduce Yeb. 79A/7-9. What Maim. propounds is an inference from Yeb. 79A/7-9.

D. None of the sources proffered contains this thought or any quotation from Deut. 14.1. This idea also could arise as an inference from Yeb. 79A/7-9.

E. This piece of sermonizing does not reproduce any of the mentioned sources.

F. The same may be said of F.

X-3

TRANSLATION

A. He who averts his eyes from charitable duty is called a "base fellow," just as an idolator is called a "base fellow." Idolators are characterized as "base" in Deut. 13.14, while the word "base" occurs also in Deut. 15.9 which refers to the uncharitable averting of one's eyes.

B. Such a one is further called "wicked" (Prov. 12.10) as well as "sinner" (Deut. 15.9).

C. God is nigh unto the complaints of the poor (Job 34.28). Hence the urgency of heeding their outcries. With them there has been made a covenant (Exod. 22.26).

SOURCE INQUIRY

CARO: *Ket. 68; Sifre Re'eh.*

BEN ZIMRA: *B.B.*

VENICE: *B.B. p. 10; Ket. p. 68.*

'EN MISHPAT: *Ket. 68A/5; B.B. 10A/28.*

A. This is contained in Ket. 68A/5-7, in B.B. 10A/28-30, and in Sifre to Deut. 15.9.⁶⁸

⁶⁸ The identical passage occurs also in Tos. Peah IV,20 not mentioned by any of the source finders. Maim., like his sources, identifies idolatry with "base" and uncharitableness with "base." Curiously he fails to follow his sources into the third step of identifying uncharitableness with idolatry.

B. This is not stated in any of the sources mentioned.⁶⁹

C. This is not stated in any of the sources mentioned.

The passage from Job 34.28 is quoted not in its Biblical wording but in that of the Sephardic ritual.

X-4

TRANSLATION

A. Though one were to give a thousand pieces of gold, one forfeits, yea, one destroys the merit of one's giving if one gives grudgingly and with countenance cast down.

B. One should give cheerfully and eagerly. One should grieve with the poor person over his misfortune (Job 30.25) and should address to him words of solace and of comfort (Job 29.13).

SOURCE INQUIRY

CARO: *No reference. (Applicable perhaps is the reference to Sifre of x-3.)*

BEN ZIMRA: *B.B. Chap. i.*

VENICE: *No reference. (Applicable here perhaps is the reference to B.B. of x-3.)*

'EN MISHPAT: *B.B. 9B/38.*

A. Nothing to this effect can be found in B.B. Chap. i, the only reference adduced by our source finders.

B. A possible source of this is Sifre on Deut. 15.10 which speaks of soothing the poor with gracious words.

B.B. 9B/36 states that, while six blessings await him who gives, eleven blessings are in store for him who consoles. B.B. 9B/36 does not contain the quotations from Job 29 and 30.

⁶⁹ Someone has suggested, as sources for the appellation *Rasha'*, Yer. Ket. IV,8 and Abot V,16 and, as a source for *Hote'*, Ket. 68A. Aside from the fact that none of these has the endorsement of the '*En Mishpat*', Yer. Ket. IV,8 (28D/64) applies the term *Rasha'* to one who fails to support his minor children. To bring this passage within the range of our X-3, we would have to recall, as does our X-16, that Ket. 50A/40 deems the support of one's minor children a species of benevolence. Whether, in X-3, Maim. did or did not have these passages in mind, we can only guess.

Abot V,16 applies the term *Rasha'* not to one who refuses to give but to one who compounds his refusal to give with an unwillingness to let others give.

Ket. 68A/2,3 uses the plural *Hote'im* but expressly states that not every refusal to give constitutes sin. The point is that the presence of impostors furnishes some justification for refusal. We must nonetheless repeat the admission made above in note 54.

The closest source of x-4B is Lev. Rab. xxxiv,15: "If thou canst not give him anything, speak to him comforting words such as 'My soul goeth out to thee because I have naught to give thee.'" We recall that the Midrash does not appear among the sources listed in the letter to Phinehas b. Meshullam and in the Introduction to the *Mishneh Torah*.⁷⁰

X-5

TRANSLATION

A. If a poor person asks of thee alms and thou hast naught to give, speak to him consolingly.

B. It is forbidden to upbraid a poor person or to raise one's voice or to shout when addressing him. Remember, his heart is broken and contrite (Ps. 51.19, Isa. 57.15).

C. Woe unto him who puts a poor person to shame, woe unto him!

D. With one's compassion and with one's words, one should be unto him as a father (Job 29.16).

SOURCE INQUIRY

CARO: *Midrash to Prov. 15.17*; ⁷¹ B.B. 9B/36,37 quoted.

BEN ZIMRA: *Ibid.* (B.B. Chap. i of x-4).

VENICE: B.B. p. 8.

'EN MISHPAT: B.B. 9B/38.

A. This virtually quotes Lev. Rab. xxxiv,15.⁷² There is also basis for this in B.B. 9B/36,37.

B. None of the ascertained sources contains either the thought of this passage or the reference to Ps. 51.9 or to Isa. 57.15.

C. This may be inferred from the general spirit of that which precedes, though it is nowhere specifically stated in any of the purported sources.

D. No ascertained source contains either the thought or the quotation.

⁷⁰ *Supra* p. 471.

⁷¹ This Midrash contains no wording like that of our X-5. It is the story of the itinerant Solomon comforted by the words of a poor host and saddened by those of a rich host who had inadvertently referred to Solomon's previous glories. Caro does not raise the question whether Maim., in the introduction to the *Mishneh Torah*, permits us to expect Midrashic derivations.

⁷² This Midrashic material, outside of Sifre and Sifra, was already mentioned in our discussion of X-4B.

X-6

TRANSLATION

A. He who persuades and constrains others to give shall have a reward greater than that of the giver himself (Isa. 32.17).

B. Concerning such as solicit charity and their like, Dan. 12.3 says that they shall shine as the stars.

SOURCE INQUIRY

CARO: *B.B. i.*

BEN ZIMRA: *Ibid.* (*B.B. Chap. i of x-4*).

VENICE: *No reference.* (*Applicable perhaps is B.B. p. 8 of x-5.*)

'EN MISHPAT: *B.B. 9A/40.*

A. This repeats the quotation and approximately repeats the wording and the thought of B.B. 9A/40. The only difference is that, while B.B. 9A/40 declares that the solicitor is greater than the giver, what Maim. says is that the solicitor's reward is greater than the giver's reward.⁷³

B. This application of Dan. 12.3 occurs in B.B. 8B/33-35 which Caro quotes in full when he reaches x-15.

X-7

TRANSLATION

A. There are eight degrees of benevolence, one above the other.

B. The highest degree, exceeded by none, is that of the person who assists a poor Israelite by providing him with a gift or a loan or by accepting him into a business partnership or by helping him find employment — in a word, by putting him where he can dispense with other people's aid.

C. Reference to such is contained in Lev. 25.35 which means: strengthen him in such manner that his falling into want is prevented.

⁷³ Someone has suggested Exod. Rabba XXXV,3 as a source for this. However, the passage in Exod. Rabba XXX,3 speaks not of a solicitor and a giver but of a director and a doer. The passage involves no specific reference to charity. It pictures Moses as directing Bezalel to build the sanctuary. Moreover, it does not say that the reward of the one exceeds the reward of the other. It predicates equality of reward in the two cases. Nonetheless, we must again refer to the admission made in our note 54.

SOURCE INQUIRY

CARO: *No reference. (Is B.B. i of x-6 perhaps meant to apply?)*

BEN ZIMRA: *Sifra on Lev. 25.35 quoted.*

VENICE: *Sifra, p. 55, column 2.*

'EN MISHPAT: *San. 63A/44 is connected with x-8 which may be a misprint for x-7.*

A. Our source finders mention no precedent for gradation into eight degrees. Gradations of two items occur in B.B. 9A/40, Ket. 67B/40, and Ta'an. 23B/29. Gradations of three items occur in Sab. 63A/44,45 and in Abot de R. Nathan, 41 (Schechter p. 66). A gradation of four items is that in Jer. 15.2 as used in B.B. 8B/5,6,7.

Though neither Caro nor Ben Zimra nor the Venice edition refers to Sab. 63A/44,45 or to Abot de R. Nathan, 41, material from these passages appears in x-7.⁷⁴ Whether these may or may not have been in the mind of Maim. and whether their feature of gradation may have conveyed any suggestion to Maim., we have no way of determining.

B. Sifra on *Behar*, Lev. 25.35, says nothing about a gift or a loan or a partnership or a job.

Neither Caro nor Ben Zimra nor the Venice edition refers to Sab. 63A/44,45 which does commend loans and business partnerships. To find the reference in the '*En Mishpat*', we must assume a misprint. None of our source finders mentions Pes. 53B/26 which speaks of equipping scholars with merchandise that they may earn something. None cites Abot de R. Nathan 41 which considers lending and profit sharing.

Moreover, in x-7B, types of benevolence put at different levels by those Talmudic passages are put on one and the same level by Maim.

C. This is related to the passage in Sifra *Behar* on Lev. 25.35 which instances the fallen ass which five men are unable to lift although one man, by lightening the burden in time, might keep the beast from falling.

x-8

TRANSLATION

A. A step below this stands the one who gives alms to the needy in such manner that the giver knows not to whom he gives and the recipient knows not from whom it is that he takes. Such exemplifies performing the meritorious act for its own sake.

⁷⁴ See *HUCA* Vol. XVI (1941), 163, 164. We must note that *Abot de R. Nathan* is not among the sources mentioned by Maim. in his letter to Phinehas b. Meshullam or in the Introduction to the *Mishneh Torah*.

B. An illustration would be the Hall of Secrecy in the ancient sanctuary where the righteous would place their gifts clandestinely and where poor people of high lineage would come and secretly help themselves to succor.

C. The rank next to this is that of him who drops money in the charity box.

D. One should not drop money in the charity box unless one is sure that the person in charge is trustworthy and wise and competent to handle the funds properly as was Hananiah ben Teradyon.

SOURCE INQUIRY

CARO: *Suk.* 49;⁷⁵ *B.B. i*, p. 10; *B.B. 10B/1,2* quoted; *Sheḥ.* v,6.

BEN ZIMRA: *Sheḥ.* v; *B.B. i*; *B.B. 10B/1,2,8,9,10* quoted.

VENICE: *Tos. Sheḥ.* p. 7; *B.B. p. 10*.

'EN MISHPAṬ: *Sab. 63A/44* (probably belongs with x-7 where we surmised a misprint); *Yer. Sheḥ.* v,6; *B.B. 10B/1,8*; *Ab. Zar. 17B/23*.

A. *B.B. 10B/1,2* commends the charity in which neither party is identified by the other. *B.B. 10B/1,2*, however, does not relate this to any system of gradation nor does it provide the comment that such exemplifies the good deed for its own sake.

B. This comports with *Sheḥ.* v,6.

C. The charity box is mentioned as a means of reciprocal concealment in *B.B. 10B/5* but not in connection with any system of degrees.

D. *B.B. 10B/8,9,10* contains the reference to Hananiah ben Teradyon. *Ab. Zar. 17B/23* which relates the story of Hananiah's fidelity is connected with x-8 by the '*En MishpaṬ*', although the other source finders omit the reference.

X-9

TRANSLATION

A. One step lower is that in which the giver knows to whom he gives but the poor person knows not from whom he receives.

B. Examples were the great sages who would go forth and throw coins covertly into poor people's doorways.

⁷⁵ *Suk. 49B/23-31* contains a discussion of *Zedaḳah* but nothing that bears on our X-8. Nor does the '*En MishpaṬ*' carry any reference here to the *Matnot 'Aniyim*.

C. This method becomes fitting and exalted, should it happen that those in charge of the charity fund do not conduct its affairs properly.

SOURCE INQUIRY

CARO: *Ket. 67; Mar Uḳba of Ket. 67B/37 mentioned.*

BEN ZIMRA: *No reference. (Applicable perhaps is B.B. 10B of x-8.)*

VENICE: *Ket. p. 67.*

‘EN MISHPAṬ: *Ket. 67B/37.*

A. The language of Maim. approximates that of B.B. 10B/3,4 which our source finders indicate in connection with x-8 and which doubtless applies also here.

B. Not great sages in the plural but only one great sage, Mar Uḳba, is mentioned in Ket. 67B/37 and in B.B. 10B/3. Nor is it, in Ket. 67B/37, a doorway. It is a door socket.

C. B.B. 10B/8-10 which speaks of withholding one's contribution from a poorly managed charity box does not mention Mar Uḳba's method as a substitute.

X-10

TRANSLATION

A. A step lower is that in which the poor person knows from whom he is taking but the giver knows not to whom he is giving.

B. Examples were the great sages who would tie their coins in their scarfs which they would fling to hang behind them so that the poor might help themselves without suffering shame.

SOURCE INQUIRY

CARO: *No reference. (Applicable here perhaps is Ket. 67 of x-9.)*

BEN ZIMRA: *Ket. 67B/48 quoted.*

VENICE: *No reference. (Applicable here perhaps is Ket. p. 67 of x-9.)*

‘EN MISHPAṬ: *Ket. 67B/48.*

A. B.B. 10B/2,3 (alluding to Ket. 67B/48) contains almost the very words of this sentence.

B. Again, the example described in Ket. 67B/48 involves not great sages in the plural but only one great sage, R. Abba, who is also mentioned in B.B. 10B/4.

X-11

TRANSLATION

The next degree lower is that of him who, with his own hand, bestows a gift before the poor person asks.

SOURCE INQUIRY

None of our source finders offers any reference.

X-12

TRANSLATION

The next degree lower is that of him who gives only after the poor person asks.

SOURCE INQUIRY

None of our source finders offers any reference.

X-13

TRANSLATION

The next degree lower is that of him who gives less than is fitting but gives with gracious mien.

SOURCE INQUIRY

None of our source finders offers any reference.⁷⁶

X-14

TRANSLATION

The next degree lower is that of him who give morosely.

SOURCE INQUIRY

None of our source finders offers any reference.

⁷⁶ X-13 and X-14 hold allusions to material which appears in X-4 and which may be considered to have the same sources as that material. But the sources do not so much as hint the absorption of this material in a system of degrees.

X-15

TRANSLATION

There have been great sages who, before every prayer, would give a tiny coin to the needy, in keeping with Ps. 17.15: "I, through benevolence (*Ẓedek* is thus construed), shall see Thy face."

SOURCE INQUIRY

CARO: *B.B.* 10: *B.B.* 8B/33,34 *quoted*.⁷⁷

BEN ZIMRA: *B.B.* i.

VENICE: *B.B.* p. 10.

'EN MISHPAT: *B.B.* 10A/41.

The statement rests on B.B. 10A/41 which, however speaks not of great sages in the plural but of one sage only, R. Eleazar.

X-16

TRANSLATION

A. A species of benevolence is the maintenance of one's minor sons and daughters who have passed the age at which the father is obligated to support them; provided the purpose of such maintenance be that of educating the sons in sacred lore and of keeping the daughters in the right path, removed from shame.

B. Similarly to be classed as benevolence is the maintenance of one's father and mother.

C. Giving charitable precedence to a relative is benevolence of a notable kind.

D. He who lets poor people and orphans partake of food and drink at his table shall call upon the Lord and find, to his delight, that the Lord will answer (Isa. 58.9).

SOURCE INQUIRY

CARO: *Ket.* 50.

BEN ZIMRA: *Ket.*; *B.B.*⁷⁸

VENICE: *Ket.* p. 20; *B.B.*⁷⁸ p. 8. (*P. 20 is perhaps a misprint for p. 50.*)

'EN MISHPAT: *Ket.* 50A/39.

⁷⁷ B.B. 8B/33, 34 is apparently another case of dislocated reference. The reference belongs not here but in X-6.

⁷⁸ It was not possible to find any basis for this in B.B. Can our source finders be referring to the citation of Isa. 58.9? B.B. 9B/37, 38, 39, 40 quote from Isa. 58.7, 10, 11, 12. B.B. 10A/20 quotes Isa. 58.7. B.B. 9A/22 quotes Isa. 58.7.

A. Ket. 50A/40 applies Ps. 106.2 to one who supports his minor children and Ps. 106.3 contains the word *Zedaḳah*.

Children are minors up to the age of twelve (Rashi to Ket. 49B), but the obligation of the father to support a child (Ket. 49B/9,10) terminates when the child reaches the age of six (Maim. *Hilekot 'Ishut* xiii-14, Ket. 65B/25,26). Maim. applies the term *Gedolim* to children beyond the age of six.⁷⁹

The religious education of the sons is broached in Ket. 49A/27. But the passage does not identify the maintenance of the sons with *Zedaḳah*. Nor does Ket. 49A/27 speak of cases in which the maintenance of the sons has their religious education as its express purpose.⁸⁰

The moral protection of the daughters is broached in Ket. 49A/28. Here again there is no identification with *Zedaḳah* and no reference to cases in which such protection is the specific purpose.⁸¹

B. The references do not cover the clause about the maintenance of one's parents.

C. The references do not cover the clause about the charitable priority of one's relatives.

D. Ket. 50A/41 applies Ps. 106.3 to one who rears orphans in his home and provides for their maintenance, and that verse, as already observed, contains the word *Zedaḳah*.

In x-17, our source finders refer to Abot i,5, "Let the poor be members of thy household," which might possibly be applicable also here.

None of our ascertained sources anticipates Maim. in this use of Isa. 58.9.

X-17

TRANSLATION

A. The sages enjoined that one's domestics should consist not of bondmen but of poor folk and orphans.

⁷⁹ Ket. 65B/25, 26 states that, up to six, the child is under the care of the mother, wherefore the father must provide for the child as he provides for the mother.

⁸⁰ Nor does it speak of sons older than six. This, however, probably goes without saying because there is no question as to the father's alimentary obligation so long as the child is younger than six.

Ket. 49B/5 pronounces the maintenance of sons beyond the age of obligatory maintenance to be a *Mizwah*. The reason adduced for using the term *Mizwah* is that boys are subject to religious education. This is not the same as saying that the son's maintenance must have his religious education as its specific purpose. May it be that Maim. takes the word *Mizwah* appearing in this connection to be the equivalent of the word *Zedaḳah*?

⁸¹ Such maintenance is labeled *Mizwah* (regarded by Maim. as identical with *Zedaḳah*?). After the father's death, such maintenance becomes *Hobah* (Ket. 49B/7).

B. Better to employ the latter and let the descendants of Abraham, Isaac, and Jacob benefit from one's possessions than to have that advantage go to the seed of Ham.

C. Day by day, one who adds to the number of his bondmen augments the world's sin and iniquity.

D. But, hour by hour, one who takes, as members of his household, the poor increases virtue and merit.

SOURCE INQUIRY

CARO: *Abot i.*

BEN ZIMRA: *Abot i,5 quoted.*

VENICE: *Abot Chap. i, p. 5.*

'EN MISHPAT: *Abot i,5.*

A. This sentence essentially reproduces Abot i,5 although Abot i,5 does not specifically mention orphans.

B. Ben Zimra notes that what Maim. says here is interpretation of Abot i,5 rather than reproduction.

C. Neither Caro nor Ben Zimra nor the Venice edition refers to Abot ii,8, "The more maid-servants, the more lewdness; the more men-servants, the more robbery." May not Maim. have had Abot ii,8 in mind?

D. Ben Zimra again notes that what we have here is not so much reproduction as interpretation.

X-18

TRANSLATION

A. A man should always exert himself and should sooner endure hardship than throw himself, as a dependent, upon the community.

B. The sages admonished: "Make thy Sabbath a week day sooner than become dependent. Even one who is learned and honored should, if impoverished, work at various trades, yes, despicable trades, in order to avoid dependency. Better to strip the hides of beasts that have sickened and died than to tell people: 'I am a great sage, my class is that of a priest, maintain me.' " Thus spake the sages.

C. Outstanding scholars worked as hewers of wood, as car-

riers of beams, as drawers of garden water, as iron workers, as blacksmiths, rather than ask anything of the community and rather than accept any proffered gratuity.⁸²

SOURCE INQUIRY

CARO: *Pes.* 112,113; *Yoma* 35; *Ket.* 105; *Giṭ.* 67; *Ber.* 28; *B.B.* viii.

BEN ZIMRA: *Pes.* x, *Ber.*

VENICE: *Ber.* p. 28; *Pes.* 112,113; *Ta'an.* p. 25.⁸³

'EN MISHPAṬ: *Ber.* 28A/29; *Pes.* 112A/25; *Pes.* 113A/6,20; *B.B.* 8A/27; *B.B.* 110A/16,18,19.

A. *Pes.* 112A/25 and 113A/6-8, as well as *Sab.* 118A/15 which is mentioned neither by Caro nor by Ben Zimra nor by the Venice edition contain the expression: "Make thy Sabbath a week day but remain independent." This is essentially the thought of Maim. in this opening sentence.

None of our source finders mentions *Ber.* 8A/41,42 which interprets *Ps.* 128.2 as an encomium on self-support. None of them refers to *San.* 81A/34,35 which construes the clause about menstruous women in *Ezek.* 18.6 as a commendation of him who does not derive help from the charity

⁸² It is open to question whether Maim. correctly presents the attitude of the ancient teachers. The Talmud does not seem to find it particularly sacrificial of a scholar to work for a living. What the Talmud brings out is not so much that scholars were manual laborers but rather the converse: that certain manual laborers were scholars.

That scholars did receive assistance is occasionally indicated. The admonition in *B.B.* 110A/19-21 and in *Pes.* 113A/6-8 about working as a scavenger sooner than capitalize on one's personal importance might betray a suspicion that persons of importance sometimes tended to fall short in this particular. The scholar, Jonathan b. Amram (*B.B.* 8A/27-34), driven by starvation, resorts to begging. His hesitation about divulging his scholarly attainments contrasts with the readiness of other scholars to accept the aid offered them because of their scholarly status. In *Ber.* 28A/29, 30. Joshua b. Hananiah, the charcoal burner, bitterly complains about the hardships which the sages had to endure and rebukes R. Gamliel for the unsatisfactory state of affairs. If, in *Yoma* 35B/17-30, Hillel has to pay for admission to the academy, is it not because the teachers had to be compensated? A handicraft would, in that event, have been not the only alternative to starvation for those who followed the teacher's calling.

⁸³ *Ta'an* 25A tells of the privations undergone by such an impoverished saint as Haninah ben Dosa. *Ta'an* 24B/45, 46 has the prayer: "Let not Thy people Israel be in need of one another's succor."

box. Peah viii,9, with its cognate idea, is cited by our source finders for x-19 but not here where it would also apply.

B. As just noted, the remark about making the Sabbath a week day is in Sab. 118A/15, in Pes. 112A/25, and in Pes. 113A/20,21.

Stripping a carcass is the example in Pes. 113A/6-8 and in B.B. 110A/19,20,21.

The generalization about *various* trades does not occur in any of these sources.

C. Hillel, in Yoma 35B/17-30, is adduced by Caro as the example of a hewer of wood, although Yoma 35B/17-30 does not specify Hillel's calling. The reference to Hillel as a hewer of wood is justified to the extent that Hillel is regarded as a hewer of wood in the Maimonidean commentary to Abot iv.5.

R. Sheshet, in Giṭ. 67B/34, is taken by Caro as the example of a sage who was a carrier of beams. However, in Giṭ. 67B/34, Sheshet does not carry beams occupationally. The process is, with Sheshet, a therapeutic one — heating the body to cure a cold.

Ket. 105A/37,38 speaks of R. Huna as a water drawer, but none of our source finders directs us to Giṭ. 60B/34,36 where Abayi, like Huna in Ket. 105A/37,38, is a drawer of water for gardens.

The reference to R. Joshua b. Hananiah in Ber. 28A/29,30 probably covers the mention both of iron workers and of blacksmiths. In English renderings, the word *Peḥami* is sometimes translated "blacksmith" and sometimes "charcoal-burner." None of the source finders points to Giṭ. 29B/33 with its reference to a scholarly blacksmith, Isaac.

X-19

TRANSLATION

A. He who, having no need for alms, obtains alms by deception will, ere he die of old age, fall into a dependency that is real. Such a person comes under the characterization: "Cursed is the man that trusteth in man" (Jer. 17.5).

B. One, however, who does stand in need and who, like an aged or a sick or an afflicted person, can not live without help but who, in his pride, declines to accept help is a shedder of blood, guilty of attempts on his own life.

C. Out of his misery, he gets naught but trespasses and sins.

D. But one, impoverished otherwise, who endures privation and exerts himself and lives a life of hardship rather than burden

the community will, ere he die of old age, possess the means out of which he will succor others. Concerning such a person, Jer. 17.7 observes: "Blessed is the man that trusteth in the Lord."

SOURCE INQUIRY

CARO: *Mishnah Peah end; Yer. Peah end.*

BEN ZIMRAH: *Peah viii,9; Peah viii,9 quoted; Yer. Peah end; Yer. Peah end quoted.*

VENICE: *Peah p. 11; Ket. p. 68.*

'EN MISHPAT: *Peah viii,9; Yer. Peah near end; Ket. 68A/10.*

A. This reproduces the passage in Peah viii,9 also to be found at the end of Yer. Peah and in Ket. 68A/8-11.

The quotation from Jer. 17.5 does not stand in either source. With regard to the imposter, Peah viii,9 quotes Deut. 16.20a.

B. The thought appears near the end of Yer. Peah. Yer. Peah, however, does not furnish the examples of the aged, the sick, and the afflicted.

C. This is not exactly the same as the statement at the end of Yer. Peah. With regard to such inept haughtiness, Yer. Peah observes: "One should have no pity on such a person. Inconsiderate of himself, how much more inconsiderate would he be of others." Shall this putative inconsiderateness of others be identical with "naught but trespasses and sins"?

D. The saying, together with the quotation from Jer. 17.7, stands in Peah viii,9 and in Yer. Peah end.

Conclusion

An interest in Jewish charity prompted the writer to undertake this study. But the writer soon found himself coping with a subject other than that of charity, namely, that of Talmudic legalism with its subtleties and its intricacies, its misprints and its uncertainties. Were it not for the unstinted aid rendered by colleagues, the work would have been impossible. The assistance furnished by Dr. Isaiah Sonne approximated collaboration. To avoid burdening Dr. Sonne excessively, questions pertaining to the *Halakah* and its determination were relegated to the expert counsel of Dr. Alexander Guttmann. But most of the other formidable problems were submitted to Dr. Sonne who placed his rich knowledge at the writer's disposal. Had it been proper for the writer to presume upon his colleagues to a greater extent,

errors which may still lurk in these pages would surely have been eliminated. Help was also accorded by Dr. Samuel Atlas and very important help by Dr. Abraham Heschel.

The residual shortcomings of this article will hardly undermine the conclusion that Jewish thinking on the subject of benevolence was by no means static. Development proceeded from the time of the Talmud to the time of Maimonides when Maimonides extended that development by creating this code which exemplifies not only codification but also edification and which projects new insights even while it rehearses the rulings bequeathed by the revered past.

REASON AND REVELATION IN THE THEOLOGY OF MAIMONIDES

The Conflict Between Philosophy and the Torah

BEN ZION BOKSER

THE religious perplexities through which Maimonides sought to guide men had their origin in the conflict between the teachings of philosophy and the doctrines of the Torah. Philosophy for Maimonides had a technical meaning. It was the attempt to interpret existence by means of reason alone, without reference to the truths deriving from the Torah, and even without references to the process of revelation by which the truths of the Torah became known to man. Its central elements were natural science and metaphysics. The most distinguished representatives of philosophy were the Greek thinkers, particularly Plato and Aristotle.

Maimonides had a great respect for the achievements of the philosophers. He hailed their method as invaluable in the investigations of the natural order. Aristotle, he held, had carried reason to her supreme triumphs, and he ranked him second only to the prophets. But in the precious fruit of knowledge offered by philosophy there was also a worm. The philosophers taught that the universe was eternal, and they looked upon existence as a self-sufficient enterprise, where all events transpire by necessity, in accordance with the immutable workings of the laws of cause and effect.¹

¹ *Moreh* I 5, 17; II 21, 23, 26; III 17, 21; Letter to the Jews of Marseilles, *Kobetz Teshubot ha-Rambam ve-Igrotov*, ed. Leipzig 1859, II p. 25b, and *ibid.* Letter to R. Hisdai ha-Levi, p. 23a, Letter to R. Judah ibn Tibbun, p. 28b,

The author is indebted to Dr. Leo Strauss for many helpful suggestions and for his careful reading of the manuscript.

The belief in the eternity of the universe did not merely clash with the creation story in Genesis, and various other Scriptural statements which taught that the universe had been created in time. Maimonides confessed himself able to allegorize such passages and, if necessary, bring them into harmony with the views of the eternalists. But, as he saw it, an eternal universe would allow no room for the entire body of doctrines which are fundamental to our religious faith.

Aristotelians who taught the eternity of the universe, believed in the existence of God. But what was the Aristotelian conception of God? He was the unmoved mover, the first step in the chain of causation by which the sequence of events has its being. He generated motion and activity in all things by the fact that He drew them toward Himself through the love which He excited in them, but He performed no direct, transitive action. He was not a free agent pursuing plans and purposes freely willed by Him.

In such a universe miracles are impossible. And if we disbelieve in miracles generally, how can we believe in the resurrection of the dead? Prophecy in an Aristotelian system cannot be a free grace, conferred by the Divine Being, as it is in the Torah. Surely such a system allows no room for the unique revelation of Moses. The promulgation of a body of laws and doctrines

Essay on the Resurrection, p. 9a, Essay Against Galen, pp. 20b, 21b. Because Aristotle was the most important philosopher he naturally felt it essential to defend the Torah primarily against Aristotelian teachings, particularly the theory that the universe is eternal. When he speaks of the "philosophers" anonymously, therefore, he often has in mind Aristotle and his disciples, as in *Moreh* II 26. But the term "philosophers" was more general and he applied it to all who seek knowledge through logical demonstration. Thus he spoke of various schools of philosophy, including those who preceded Plato, and he of course regarded Plato as one of the very important philosophers (in letters to R. Judah ibn Tibbon and R. Hisdai ha-Levi.) In the Essay on Resurrection he refuses to recognize the Mutakallemim as philosophers because they did not pursue rigorous analysis in their studies. In the Letter to the Jews of Yemen, *ibid*, p. 1b, he cites the writings of various pagan thinkers, among them the Greeks, as adversaries of the Torah. Cf. Leo Strauss, "The Literary Character of The Guide," in *Essays on Maimonides*, ed. by S. Baron. N. Y. 1941, pp. 41 f.

destined to be authoritative for all time to come and the selection of a particular people as the channel through which it was to reach the rest of mankind, implies a freely choosing God, acting with design and purpose. In an Aristotelian universe prophecy can exist only as a necessary consequence of a certain perfection in the prophet, and it must recur in identical form with the recurrence of the circumstances which produce it.

Divine providence, too, cannot mean in the Aristotelian system what it obviously means in the Torah. If existence is eternal and God is merely the first link in an endless round of being, God's providence cannot extend except to what is eternal, and that is the species of each type of existence. The individual members of the species who appear and disappear, lacking the element of eternity, must necessarily be outside of God's concern. They are, in other words, left to the workings of chance. In the Torah the individual person is the center of God's solicitude; the individual man's destiny is the chief concern in God's providential ordering of the entire process of existence. If we accept the Aristotelian view, the individual person would be subject to the ravages of chance, rather than to the providence of God.

The philosophical doctrine of God is seemingly at variance with Scripture in other respects too. As the philosophers portrayed God, He is incorporeal, free of all emotions and all attributes, beyond the accidents of time and space. In the Torah God is frequently spoken of in anthropomorphic terms, and all these elements of corporeality are freely ascribed to Him.²

The awareness of these and various other elements of incompatibility between philosophy and the Torah created a perplexity in the minds of many Jews of his day. And Maimonides sought to remove those perplexities. As he saw it, the conflict was rooted in a misunderstanding. There was an area of conflict where the

² *Moreh* II 25, and see below, pp. 9, 35. Maimonides believed that the bodies of the righteous would be resurrected at the beginning of the Messianic era, but that they would die again upon its termination to enjoy an everlasting existence in spirit only. A similar view was taken by Abraham ibn Ezra (Commentary, Dan. 12.2). Cf. J. Finkel, "Maimonides' Treatise on Resurrection," in *Proceedings, American Academy for Jewish Research*, N. Y. 1939, p. 69.

philosophers overreached themselves and taught doctrines that did not follow from objective evidence or the rigorous application of the postulates of reason. On the other hand, there was another area of conflict where men were simply misinterpreting Scripture. They followed the simple, literal text, whereas if they had a more authentic conception of what Scripture teaches, they would find no conflict.

It was in the service of removing this conflict between philosophy and the Torah that Maimonides wrote the *Guide to the Perplexed* and carried on an extensive correspondence with various Jewish leaders in other communities. As he put it in the introduction to the *Guide*: "The object of this treatise is to enlighten a religious man who has been trained to believe in our holy Law . . . and at the same time has been successful in his philosophical studies. Human reason has attracted him to abide in its sphere; and he finds it difficult to accept as correct the teachings based on the literal interpretation of the Law . . . Hence he is lost in perplexity and anxiety . . ."³ The key in this labor of enlightenment for Maimonides lay in a clarification of reason and revelation, the respective sources of knowledge through which philosophy and the Torah derive their truth.

MAN'S GIFT OF REASON

Reason and revelation are for Maimonides two complementary phenomena. Each has its distinctive role to play in the enlightenment of man toward the truth. And in the decisions that face us in life we must depend on both, if we are to act in conformity with our true end.

The capacity to reason is for Maimonides man's greatest distinction in the hierarchy of life. While other creatures live by the exercise of instinctive vitalities, man can plan and analyze; he can extract from his experience principles of universal significance and acquire a body of valid knowledge concerning the nature of things. His reason "analyzes and divides the component parts of things, it forms abstract ideas of them, represents them

³ *Moreh*, Introduction.

in their true form as well as in their causal relations, deducts from the object a great many facts . . . ; it distinguishes that which is the property of the genus from that which is peculiar to the individuals — and no proof is correct unless founded on the former; the intellect further determines whether certain qualities of a thing are essential or non-essential."

The rational faculty functions in various forms. It is practical and as such engineers tools for the service of human needs. Among the fruits of practical reason are such arts as architecture, agriculture, medicine and navigation. There is also the speculative reason which reveals to us "things as they really are, and which by nature are not subject to change." The supreme idea which reason can formulate is "the unity of God and all the divine concepts associated with it."

It is insofar as he uses his reason that man rises to the full dignity of his humanity. Thus he qualifies for the grandest of all his attributes. Scripture designates him as a creature made in the divine image. And thus he stands differentiated from the lower elements of existence. "Before he develops understanding and acquires knowledge, man is accounted as the beast. He is only distinguished from the rest of the animal creation by the consciousness that he is a living being possessed of intellect."⁴

REASON IS NOT ENOUGH

By its own resources, however, reason could not guide man toward his highest end. What is man's highest end? It is a state of continuing fellowship with God, which is the essence of true worship. In its final character, it is an emotional reaction, but it is always based on an intellectual foundation. That foundation is the recognition of God's wisdom and perfection as revealed in the wisdom and perfection of creation about us, in the natural order as well as in the Torah. When this recognition is deep enough, it will in time produce an emotional response, an ecstatic

⁴ *Moreh* I 1, 73; III 8; Commentary on Mishnah, Introduction; Eight chapters, ch. 1, 2; *Millot ha-Higayon*, section 9.

eagerness to reach out for closeness with the divine source from which all the wonder of life flows.⁵

Maimonides described the transition from knowledge to worship in these terms: "At the time when one reflects on His works, and His wonderful and stupendous creations, and from them perceives His wisdom which is incomparable and unbounded, he immediately loves, praises, glorifies and yearns with an ardent longing to know the great God . . . And when one reflects upon these very things, he immediately starts back, is struck with fear and terror, and is conscious that he is a creature, insignificant, lowly and immature, standing with only slight and scanty knowledge. As David said, 'When I consider Thy heavens, the work of Thy fingers, what is man that Thou art mindful of him?' " (Ps. 8.44)⁶

⁵ *Moreh* III 51; *Yad*, Yesode ha-Torah 4:12. Among the Arabs there was a school of thought which held the Koran as eternal, in the sense of the eternity of Platonic ideas. Philo with his doctrine of the logos, as well as others, represented a similar view in Judaism. But Maimonides definitely denied this and taught that the Torah was a creation in time, and he called attention to many striking parallels between the characteristics of the Torah and of nature (*Moreh* I 65, III 32, 34). Cf. Ch. Neuburger, *Das Wesen des Gesetzes in der Philosophie des Maimonides*, Danzig 1933, pp. 17 f., 68. The kind of Torah study which would reflect on the greatness of its creator included a probing into the ultimate objectives of the commandments and an investigation into vital doctrinal matters, the "roots of religion." The simple, literal study of Torah, Maimonides regarded as insufficient (*Moreh*, Introduction, III 51). In *Sefer ha-Mitzvot*, Positive Commandments, 3, he explicitly links the study of Torah with the study of nature as a means of fulfillment the commandment to love God.

⁶ *Yad*, Yesode ha-Torah, 2.1, 2. This fear, derived from the sense of awe in contemplating creation is here taken as a fulfillment of the duty to "fear the Lord thy God" (Deut. 10.20). However, in *Sefer ha-Mitzvot*, Positive Commandment 4, Maimonides applies this verse to the fear deriving from the prospect of God's punishment. The divergence becomes clear when we consider the character of the *Sefer ha-Mitzvot*. As he makes clear in the introduction, this treatise was intended to defend his computation of the commandments as employed in the *Yad*, against the anticipated objections of the common people who had been habituated to follow the system of computations formulated by Rabbi Simon Kahira in his *Halakot Gedolot*. The common people, of course, were incapable of reaching the fear of God at its highest level. It was a common doctrine of Maimonides that the prescriptions of the

Can we by the resources of reason alone reach this end? Will reason in itself guide us to the knowledge which underlies the true experience of communion with God? Maimonides answered that it could not. For one thing, the processes of reason are elaborate and intricate and religious knowledge highly profound and subtle. Even the intellectually gifted must go through a long development before they will be duly equipped to pursue metaphysical studies. They must master as preliminary disciplines logic, mathematics, and the natural sciences. The knowledge of astronomy and physics, for instance, is indispensable for a recognition of divine providence. How else can we know how God manifests Himself in the ordering of nature than by a study of nature? And how can we guard against the pitfalls of fallacious reasoning than through a thorough training in the rigorous disciplines of logic and mathematics?

And there are moral pre-requisites as well. The intellectual, the person who is to use his intellect effectively in the pursuit of knowledge, must have a sense of integrity and care for the truth more than for his private inclinations. He must have daring to break with convention and custom and pursue the truth wherever it leads, even if thereby he is forced to surrender long cherished notions. Maimonides attacked the Moslem theologians who elaborated various theories without objectively

Torah addressed themselves to the common people, at their level of understanding, while for the educated the same texts, in a more figurative rendition, conveyed a deeper meaning. See below, pp. 34 f. The fact that the *Sefer ha-Mitzvot* was intended for the common people may explain the formulation of the first two positive commandments which call for the belief in God, and His unity, whereas in the *Yad*, he calls not for belief but for knowledge. Ch. Heller, in his edition of the *Sefer ha-Mitzvot*, notes this divergence and suggests that the Arabic *اعترف* used in the *Sefer ha-Mitzvot* may possibly be translated as know, thus paralleling the meaning in the *Yad*. Cf. also *Sefer ha-Mitzvot*, Negative commandment 365, which justifies the concealment of the rationality of certain commandments from the common people, while in *Yad*, Temurah, end, he urges the search into the reasons for all commandments. On the two levels of the fear of God, cf. Albo, *Ikkarim*, III 33 and also Bahya in *Hobot ha-Lebabot*, III 3 where the distinction is explicitly made, with the lower level of fear corresponding to the capacities of the uneducated. The lower level of fear is of course seen as provisional, to be superseded by the higher fear, as intellectual development progresses.

studying the facts; they held those theories merely because they aided them in their religious apologetics. What man must do is "adapt his opinions to the true properties of things; he cannot expect the properties of things to adapt themselves to his opinions."

And the intellectual must have a certain humility to know the limits of the human mind and not to insist on pressing with inquiry into realms where it cannot fruitfully operate. "I declare," wrote Maimonides, "that there is a limit to the knowledge of man, and so long as the soul is in the body, it cannot know what is beyond nature. Since knowledge resides in nature, it cannot perceive beyond it. Therefore when the mind essays to contemplate what is beyond, it is unable to do so for the reason that the matter is too high for it." Above all, the intellectual must have patience and not hasten to a conclusion unless a rigorous analysis of the facts really warrant it.

The most gifted mind may fail to qualify a man for the status of a true intellectual. "The intelligence of man is insufficient; for he is not endowed with perfection at the beginning but at first possesses perfection potentially, not in fact." And there is no guarantee that these potentialities will be realized. One cannot successfully achieve the required development, with all that it involves, without the peace of mind that comes from economic security, or without the opportunity of leisure to contemplate the world. And one must have, too, the mellowness and calmness of disposition which comes with a maturity of years. Young people generally make poor students of metaphysics; "it is impossible for them to comprehend it on account of the heat of the blood and the flame of youth, which confuses their minds; that heat which causes all disorder must first disappear; they must have become moderate and settled, humble in their hearts and subdued in their temperaments."

The processes of reason would thus be a poor instrument of religious knowledge. It is a method by which only a few persons would be instructed who are intellectually well-prepared. If there were no other source of guidance for our lives, "we would have been bound to believe only what we could prove, a goal which could only be attained by long preparation. In such a case

most people would die, without having known whether there was a God or not, much less that certain things must be asserted about Him, and other things denied as defects. From such a fate not 'even one of a city or two of a family' (Jer. 3.14) would have escaped."⁷

Reason, moreover, because it cannot operate effectively beyond the empirical world, will be unable to answer certain crucial questions. It cannot tell us, for instance, whether the universe was created or is eternal. The Aristotelians had taught the eternity of the universe, but Maimonides showed that on rational grounds alone the matter was quite inconclusive. Yet this was a most crucial question indeed. For in an eternal universe all events are pre-determined, in accordance with the necessities inherent in the nature of things, and God Himself is bound by such necessities. This would rule out such fundamental doctrines of our religion as the belief in miracles, the resurrection of the dead, a providential ordering of the lives of individuals, and the Scriptural doctrine of prophecy, particularly the unique prophecies of Moses. In the words of Maimonides, "If we were to accept the eternity of the universe as taught by Aristotle, that everything in the universe is the result of fixed laws, that nature does not change, and that there is nothing supernatural, we should necessarily be in opposition to our religion. We should disbelieve in miracles and signs and certainly reject all hopes and fears derived from Scriptures."⁸

⁷ *Moreh* I 31-36, 72; II 23; Letter to R. Hisdai ha-Levi, 23a. The distrust for the intellectual competence of youth appears in Plato, *Republic*, 7, where he objects to young men studying dialectics. The power of habit as a hindrance in the pursuits of reason is described by Maimonides as new, while the other difficulties were already recognized by Alexander of Aphrodisias. Leo Strauss, *Philosophie und Gesetz*, Berlin 1935, p. 46, has made the plausible suggestion that Maimonides is referring especially to the habituated interpretations of Scripture, which he indeed mentions to illustrate his general point. The Greeks did not have an authoritative Scripture, whose conventional interpretations could have impeded their speculations.

⁸ *Moreh* III 17, II 13-29; Essay against Galen, 22a, 22b, Essay on the Resurrection 10b, 11a. Letters to Marseilles Jewry and to R. Hisdai ha-Levi 23a, 23b, 24a, 25b, 26a. Natural law is not a very common term in medieval philosophy. According to the view which is more commonly maintained by

Intellectual perfection, too, cannot operate without antecedent perfections. Human life has its physical side, and a person will be unable to give himself to intellectual labors until his physical needs are satisfied. "A person who is suffering from great hunger, thirst, heat, or cold, cannot grasp an idea even if

the medieval philosophers all substances are endowed with fixed properties from which flow certain types of activity, and they flow necessarily, because of the properties inherent in the essence of those substances, or because of their natures. The more general term nature, simply refers to the sum-total of natures. Maimonides believed in this doctrine of nature, but since God is the Creator of nature, He may respect those necessities but is not wholly bound by them. As he put it in *Moreh* II 29: "For we believe that this universe remains perpetually with the same properties with which the Creator has endowed it, and that none of these will ever be changed except by way of a miracle in some individual instances, although the Creator has the power to change the whole universe, to annihilate it, or to remove any of its properties." Miracles, however, do not abrogate nature, for the changes wrought by them "were not permanent; they have not become a physical property. On the contrary, the universe since continues in its regular course." From standpoint of Maimonides the Aristotelian system would negate the super-natural. In Aristotle the term natural is confined to what is constituted of matter and form, so that anything immaterial is supernatural. From the standpoint of Maimonides the supernatural is the realm of God's free activity which transcends the realm of necessity. Cf. E. Gilson, *The Spirit of Medieval Philosophy*, N. Y. 1936, pp. 365, 472 f., n. 8. Maimonides was aware of the interpretation of the rabbis according to which "miracles are to some extent also natural; for they say when God created the universe with its present physical properties, He made it part of these properties, that they should produce certain miracles at certain times." It is significant that Maimonides calls this interpretation "strange," and that after the statement of his own position he adds: "This should be our belief." Why did not Maimonides accept the view of the rabbis which would bring him into closer harmony with the philosophers? And why does he find that view "strange?" Clearly he wanted a more explicit repudiation of the Aristotelian doctrine of determinism, in which God Himself is bound by the laws of cause and effect. Cf. *Moreh* II 25 where he rejects the allegorization of miracles as proposed by certain Moslem theologians identified by S. Munk, *Le Guide des Egarés*, Paris 1861, II p. 197 and n. 2 as the Batenis. In a created universe where God can act freely, miracles are possible. Nevertheless, because the universe normally acts in accordance with the nature of things, the burden is always upon us to seek a natural interpretation for events, including those recorded in Scripture, "for it is well-known that we are very eager to avoid notions involving an alteration in the order of creation" (Essay on Resurrection).

communicated by others, much less can he arrive at it by means of his own reasoning." And the fulfillment of man's physical needs depends ultimately upon the creation of a just order of human relations in the world.

A person, to reach his true goal, must also cultivate certain moral virtues. Without those moral virtues, he will be distracted from the life of the soul by a multitude of base passions. Moreover, it is only morally disciplined people who will know how to overcome selfish drives and help fashion a good society in which there will be justice, and which will enable men to concentrate on intellectual pursuits. "For by following entirely the guidance of lust . . . man loses his intellectual energy, injures his body, and perishes before his natural time; sighs and cares multiply; there is an increase of envy, hatred and warfare for the purpose of taking what another possesses."⁹

THE PATH OF PROPHECY

Thus the steering of mankind toward its true end could not be effected by reason alone. Another pathway to truth was needed, and it is offered us through revelation or prophecy.

The prophetic experience is a direct illumination concerning the nature of things, concerning the truths about God and about human destiny. Prophecy operates on various levels. In its most familiar form we meet it in the experience of a "call" which impels certain people to perform heroic deeds in the service of some good cause or to become creative in the fields of science, literature, politics or theology. Maimonides describes the "call" to creativity in these vivid terms: "A person feels as if something came upon him, and as if he received a new power that encourages him to speak. He treats of science, or composes hymns, exhorts his fellow-men, discusses political and theological problems; all this he does while awake and in the full possession of his senses." This type of prophecy inspired the heroic deeds of the judges in the early history of Israel, as well as the books of Psalms, Proverbs, Daniel, Job and Chronicles, in fact

⁹ *Moreh* II 40, III 27, 33, 35.

all those volumes which the Bible includes under the designation of Hagiographa.

But this is not prophecy in its highest manifestation. When it reaches maturity, prophecy is a mystical experience taking place in a vision or a dream. This is illustrated in the experiences of Ezekiel and Zechariah, which are so vividly described in the sacred Scriptures. In the course of his experience, the prophet may hear voices or behold angels. The angels may hold discourse with him. In his dream, he may even hear God addressing him. Various symbols and allegories may appear, with or without their accompanying interpretations, and a divine light will shine for him. All through this experience, the normal functioning of the body is suspended; a great bodily agitation ensues; and an immense illumination lights up the mystery of existence, as a flash of lightning lights up the darkness of the surrounding night. What normally requires laborious reasoning and, indeed, what laborious reasoning cannot establish, is grasped intuitively and with an overpowering sense of certainty. This is prophecy in its truly authentic form.¹⁰

What is the source of the illumination that comes upon the prophets? It is a divine influence, "an emanation sent forth by the Divine Being." It first reaches the Active Intellect, whence it descends on man. The manner in which the influence is exerted on man we cannot know. But clearly there is no material impact. The Bible describes the prophet's message as being conveyed through a speech process. But that is only a metaphor, intended to make the matter more comprehensible to people. Human beings employ speech as a medium of communication, and operating with the vocabulary of human experience, the divine communication is also described as speech. "When we are told that God addressed the prophets and spoke to them, our minds are merely to receive a notion that there is a divine knowledge to which the prophets attain; we are to be impressed with the idea that the things which the prophets communicate to us come

¹⁰ *Moreh* I 10, 76 (2), II 44, 45; *Yad*, Yesode ha-Torah 7.2, 3. The divine light is used synonymously with the Shekinah and the Glory of God. Cf. H. A. Wolfson, "Hallevi and Maimonides on Prophecy," *JQR*, N. S. XXXIII 1, p. 77.

from the Lord, and are not altogether the products of their own conceptions and ideas." Even when the prophets do hear voices, these voices are not the direct utterances of God. They are "created" voices, of which God is the first cause, as He is the first cause of all things in creation. But God is not corporeal, and He does not act in the manner of corporeal beings.

Nor can we assume that the divine influence is set in motion at the time there is a prophet to be enlightened. The divine influence is always in action, except that there are not always men at hand fitted to receive it. Like the gushing waters from a living fountain, knowledge and insight are flowing eternally from God's being. But it takes certain sensitive spirits to receive that knowledge and to channel it to the rest of mankind.¹¹

The faculties with which a prophet receives his experience of illumination are the intellect and the imagination. The intellect acts in the process of prophecy essentially in the same role as it acts in a process of reason. It formulates concepts. Because of the intensity of the action involved in the illumination, these concepts will form more rapidly, eliminating many intermediate

¹¹ *Moreh* I 65, II 12, 33, 36, 44; Commentary, Mishnah, Introd. to Helek. In *Moreh* II 44, Maimonides suggests that the voices heard by the prophet were part of the prophetic vision which had only a subjective existence; they were "created in the imagination" of the prophet, as the commentators (Shem Tob and Efordi) put it. However, it would be difficult to explain the voices heard by Moses on that basis, since he prophesied without the use of the imaginative faculty. See below, p. 18. In *Moreh* I 65 and II 33, he discusses the voice heard by Moses and treats it as though it had objective existence. Presumably "the created voice" would then be a miracle. In his letter to R. Hisdai ha-Levi he admits that he would have preferred interpreting the hearing of voices by Moses as a metaphor for the process of contemplation, but the explicit declaration in Scripture made such interpretation far-fetched: "As for the sound heard by Moses, undoubtedly it was a created sound formed in nature. But many have said that there was no speech, body or sound in the process, except that the soul of Moses had become absorbed in the contemplation of exalted intellectual concepts; and he comprehended and heard by means of true discourse, which is the contemplation of divine doctrines . . . Were it not that Scripture repeatedly states (Num. 7.89): 'And he heard the voice speaking to him,' I would accept the latter interpretation." Cf. Z. Diesendruck, "Maimonides' Lehre von der Prophetie," in *Jewish Studies in Memory of Israel Abrahams*, N. Y. 1927, pp. 124-132.

steps on which the process of reason normally depends. And because this intensity derives from the immense character of the influence exerted, the prophet's illumination is more potent even in relation to the volume of truth received. In the nature of things, however, the intellect which is sovereign in the recognition and formulation of concepts and ideas must be in a very high state of perfection.

The function of the imagination in this process derives from its quality of conveying the truth with the vividness of pictorial and dramatic representation. In the agitation which comes upon a prophet in the wake of his experience, his entire personality is affected, including the imagination, which then proceeds to act on the truth, to clothe it in concrete and vivid imagery. The symbols and allegories, the appearance of angels in corporeal forms, the hearing of angelic or divine voices, all this transpires in the imagination. And thus is the truth brought within the comprehensive powers of the common people who normally live by sense perception, emotion, and customary notions. It is likewise the imagination which endows the prophet with the intuitive powers to foretell what lies ahead.

The concepts upon which the imagination acts in this process are furnished by the intellect. Without the work of the imagination, however, these concepts would appeal only to the minority of those of high intellectual development. The imagination by endowing them with a pictorial quality, renders them far more comprehensible to the common man. And the vividness and cogency of the experience contribute to the sense of mission which overwhelms the prophet and sends him out to be a teacher and leader of other men.

Where the imagination attempts to act as an instrument of cognition, directly to interpret reality in order to arrive at truth, it is bound to beget confusion and error. For the imagination is not a dependable tool for understanding the world. The imagination will readily accept the illusions of the senses and of dreams; or it may compound diverse phenomena without reference to the principle of relevance or consistency. Thus the imagination is constantly deceiving us in the illusory convergence of parallel lines. Men with highly gifted imaginations but with poorly

developed intellects often go through experiences of "illumination" which they interpret as prophecy. But what they see is generally distorted and confused. "They fall into grave errors as regards important speculative principles and see a strange mixture of true and imaginary things." Such persons may, in their dreams, for instance, see forthcoming events, and some of their visions may even be true. But all this is undependable for the grain of such truth is always lost in the chaff of confusion and falsehood.

The intellectual prerequisite for prophecy is for the most part a matter of culture, of training, of the acquisition of wisdom and knowledge. The prerequisite imagination on the other hand is largely an endowment. It has its physical basis in the quality of a bodily organ, of the brain, which is not materially affected by training. The functioning of the imagination is, however, affected by man's moral and emotional life. For the imagination will occupy itself with the matters in which a person centers his interests. "It is a well known fact that the thing which engages greatly and earnestly man's attention whilst he is awake and in the full possession of his senses forms during his sleep (or vision) the object of the action of his imaginative faculty. Imagination is then only influenced by the intellect insofar as it is predisposed for such influence." Thus a person may have great intellectual attainments but if he loves the sensuous life or is greedy for wealth and power he disqualifies himself from prophecy. His imagination will play in the realm of his interests; it will give him no light on the subjects of theology or morals; it will bring him no message for the general improvement of mankind.

The functioning of the imagination will also be affected by the emotional life. Deep anxieties of the spirit, such as intense grief or anger will obstruct a prophet's vision. All the formal qualifications will avail him but little; he will receive no prophetic communication. Indeed, even the experienced prophet will find his prophetic powers gone when in wake of illness, or of some personal or social tragedy, he becomes demoralized and loses his sense of mastery over himself.

These qualifications make a person eligible for prophecy, but they do not guarantee his actually becoming a prophet. There

have been men who have met all the formal prerequisites, but they did not prophesy. The denial of prophecy to a duly qualified person is a mystery. We can observe it, but not explain it. Like any miracle of God, it illustrates the realm of divine freedom, where events transpire not in automatic fulfillment of the law of cause and effect, but where God acts in accordance with His own undetermined will.

Because the process of prophecy is enacted by means of human faculties which are affected by circumstances and which differ in their states of perfection, the prophetic experience is a highly variable phenomenon. "As we have in wisdom one wise man greater than another, so do we have in prophecy, one prophet greater than another." Some may receive prophecies sufficient to broaden their own understanding, but insufficient, as far as becoming active protagonists of those prophecies before the world. With others a more intense experience sends them forth into the world as unyielding crusaders of the truth. With some, prophecy will come irregularly and on infrequent occasions. With others it will come more frequently and more regularly.

In one of the most vivid passages of the *Moreh*, Maimonides thus describes the varying degrees of prophetic illumination: "At times the truth shines so brilliantly that we perceive it as clear as day. Our nature and habit then draw a veil over our perception and we return to a darkness almost as dense as before . . . On some the lightning flashes in rapid succession and they seem to be in continuous light. Some perceive the prophetic flash at long intervals . . . By others only once during the whole night is a flash of lightning perceived . . . Others are in the condition of men whose darkness is illumined not by lightning but by some kind of crystal or similar stone or other substance that possesses the property of shining during the night; and to them even this small amount of light is not continuous, but now it shines and now it vanishes."¹²

¹² *Moreh*, Introduction, I 46, 73, II 32, 36, 37, 38; *Yad*, Yesode ha-Torah 7.4, 5, 6, 7; 10.3; Commentary on Mishnah, Eight Chapters, ch. 7; *Sefer ha-Mitzvot*, Negative Commandments, 31; Letter to Yemenite Jews, 6b. For the role of the imagination in prophecy, see Leo Strauss, *ibid.*, pp. 91-

Prophecy is a universal phenomenon, with its goal the enlightenment of all mankind. But it has taken on specific form in the course of its historic development. God has seen fit to bestow prophetic leadership to Israel. One does not have to be an adherent of Judaism to attain prophecy. Nevertheless it is in the history of Israel that the great prophets have spoken and acted. Why God has singled out a particular people for this distinction in prophecy we do not know; it is in the realm of the divine mystery which is beyond our comprehension.

108. Maimonides contrasts his doctrine of prophecy with the vulgar views of the "fools," among whom he includes some of his own people, and with the views of the philosophers. The vulgar view makes prophecy entirely a matter of God's choice. Training and preparation are not essential prerequisites. For the philosophers, on the other hand, prophecy is a necessary result of certain perfections to which the prophet has attained. These views on prophecy, Maimonides adds, all derive from the position taken on the origin of the universe. Maimonides does not indicate the relationship, but it becomes clear when we realize that the divisions on prophecy are in truth divisions on the manner in which natural law operates. The philosophers, by whom Maimonides obviously understands the Aristotelians, teach the eternity of the universe, and as a consequence, hold the realm of natural causality as absolute. All events in nature transpire in inescapable conformity to the laws of cause and effect, and even God Himself cannot alter the necessities of nature. Prophecy would therefore likewise have to follow this general law of causation and it would have to be a result of a perfection in the prophet. By the "fools" Maimonides probably meant the Mutakallemim and their disciples who had denied all natural necessity. All events were for them direct interventions of God, Who acts in complete freedom without reference to any properties inherent in the nature of things. Prophecy would therefore likewise derive wholly from the choice of God, and the quality of the prophet's life had no bearing on the matter. Maimonides believed in a realm of natural causality, but this was not absolute. There was still a realm of freedom within which God could act temporarily to suspend the operation of natural causality, as is illustrated in miracles. In its normal functioning, therefore, prophecy follows the requirements of any natural process, and pre-supposes due preparation from the prophet. But God may still intervene temporarily to withhold prophecy from a person duly qualified for it. Cf. I. Abarbanel, on *Moreh* II 32 and Z. Diesendruck, *ibid.*, p. 78. Arab philosophers had a special reason for relaxing in the requirements of intellectual perfection as a condition for prophecy in order to account for the prophetic gifts of Mohammed. Cf. H. A. Wolfson, *ibid.*, p. 72, n. 182.

Among the Jewish prophets we reach the climax with Moses. There were prophets who preceded him and others who followed him, but it is in his career that prophecy finds its most triumphant manifestation. Indeed, Moses so outranked the other prophets that his designation by the same title becomes misleading, and the term "prophet" when applied to him is really a homonym. He alone enjoyed a continuous illumination. And he was so at home in the constant light, that there was no bodily reaction to his experience. Even his imagination did not come into play in the process, and what he saw remained in a state of intellectual purity, without being pictorialized. Indeed, he was so completely emancipated from the claims of his bodily nature that he functioned veritably as a disembodied intelligence. As such he communed with God directly, without the mediation of the imaginative faculty.

Because of his unique prophetic powers, Moses was able to do what no other prophet had done before him — he promulgated the Torah in which all the beliefs and practices essential to the perfection of mankind, for all time to come, found their expression. Other prophets functioned as teachers and preachers; they exhorted their fellow-men to the truth as they saw it. But they did not see themselves as the emissaries of a divine law which was to be enjoined upon all men.

Certain religious laws and customs had their origin in pre-Mosaic times. But the pre-Mosaic prophets who established them sought to benefit their own immediate family circle. They did not seek to give those laws universal scope. Abraham, for instance, performed the rite of circumcision upon himself and those of his household, "but he did not address his fellow-men prophetically on this subject." And those laws are authoritative for us only because they were re-affirmed in the Torah of Moses. Thus the proscription of eating the limb of an animal when torn from its living body remains authoritative for us not because Noah has established it, but because the Mosaic law forbids it. Similarly, we practice the rite of circumcision because the Mosaic law so instructs us, not because Abraham instituted it.

The work of Moses was likewise decisive in relation to the prophets who followed him. They were primarily concerned with

exhorting people to obey the Mosaic law or with criticizing them when they strayed from it. Their work was at no time a departure from what had been instituted by Moses.¹³

The Mosaic law exists on two levels, the written and the so-called oral Torah. The Pentateuch which is the written Torah includes the more general norms of law and doctrine. A body of interpretations and elaborations thereof were transmitted simultaneously as oral tradition. In time the oral tradition was reduced to writing as well, and it is the foundation of Talmudic literature. Taken together, this Mosaic law is an unchanging body of doctrine and practice by which mankind can steer itself to its true end.

In describing the Mosaic law as an unchanging law, qualification should be entered in several respects. Post-Mosaic teachers could of course continue to create a literature of interpretation based on the teachings of Moses, and they were equally free to make independent expressions in moral or doctrinal matters, where they did not conflict with the Mosaic teachings. Moreover, where they did not clash with the Mosaic law, rabbinic authorities were free to enact new legislation. Such new legislation might be in the form of independent enactments or through deduction

¹³ *Moreh* II 35, III 8, II 39, *Yad*, Yesode ha-Torah 7.6, 9.1; Commentary, Mishnah, Helek, 7, Hullin 7.7; Responsum to Joseph ben Gabr of Baghdad, *Kobetz* II, 15b, 16a, Letter to Yemenite Jews, *ibid.* 4a, Letter to Joseph b. Judah, *ibid.*, 30b; cf. M. Joel, *Die Religionsphilosophie des Moses ben Maimon*, Breslau 1859, pp. 30 f. In his Letter to Yemenite Jews, 4a, he affirms explicitly that "we believe a prophet or we reject him only on the ground of the nature of his prophecy, and not on the ground of his descent," and he cites Job, Zophar, Bildad, Eliphaz, and Elihu, who were all non-Jews and yet rose to prophecy. But this, according to H. A. Wolfson, *ibid.*, pp. 73 f., is inconclusive since these men represented one of the lower levels of prophecy, as is indicated in *Moreh* II 45. However, elsewhere in the same discussion he seems to include non-Jewish prophets in the same class as Isaiah and Jeremiah. Similarly in *Yad*, Yesode ha-Torah 9.1, he appears to discuss the characteristics of the genuine prophets, and he mentions the possibility of there being non-Jews among them. Such non-Jewish prophets would of course have to be adherents of the seven Noahite commandments. If they observed the Torah in full they would no longer be non-Jews. On the other hand they could not be the teachers of a new religion since any true prophet must conform to the teachings of Moses. See below, p. 22.

from Mosaic precedents, by a special system of hermeneutics which Moses taught as part of his oral communication. This new legislation was authoritative, but it was known as Rabbinic rather than as Mosaic in character.

And under conditions of emergency, individual prophets or Rabbinic courts could temporarily suspend the Mosaic law. "Whether it be to suspend a positive commandment or to transgress a negative commandment," declared Maimonides, "if its purpose is to bring great numbers back to the faith or to spare many Israelites from stumbling over other pitfalls, they (the rabbinic authorities) are authorized to ordain so, in accordance with the demands of the times. As the physician may amputate a person's hand or foot in order to save his life, so may the rabbinic authorities sanction at times the temporary suspension of some religious laws so that the system of religious law as a whole shall survive. In the words of the sages (Shabbat 151b): 'If it is a matter of healing an ill person, desecrate the Sabbath so that he may live to observe many Sabbaths'.'" ¹⁴

The most conclusive evidence stands behind the prophecy of Moses, to authenticate its genuineness. All Israelites were present at the divine revelation before Mt. Sinai from which issued the ten commandments, and there they watched Moses as he communed with God. Because prophecy requires a high degree of intellectual perfection as a prerequisite, we cannot assume that the people as a whole shared in that experience. The significance of their presence at Sinai was not in their active participation, but in their serving as witnesses, to attest to the genuineness of the event in which Moses alone was the central

¹⁴ *Yad*, Introduction; *Yesode ha-Torah* 9.1-4, *Mamrim* 1, 2; *Sefer ha-Mitzvot*, Principles 1-3; *Commentary, Mishnah*, Introduction. The prophet as prophet was not authorized to promulgate independent enactments or to interpret the law. The Talmud ascribed many new enactments to various prophets, but in the institution of those enactments the prophets acted in conjunction with their "courts" as was the case with rabbinic authorities. On all matters subject to deliberation, the prophet's authority was no greater than that of any scholar. In an emergency, however, the distinctive leadership functions of the prophet came into play, and he could act alone.

figure. The people heard and saw what transpired but did not comprehend it. Moses alone received the message and then conveyed it to the people.¹⁵

TRUE AND FALSE PROPHETS

How can we distinguish the true prophet from the impostor? Men frequently appear proclaiming certain doctrines which they claim to have derived from a divine illumination. By what criteria shall we judge the validity of such claims? Many a would-be prophet has proven to be a pretender or at best an innocent victim of his own hallucinations. Some may even "plagiarize the word of others and proclaim things which, no doubt, have been said by God, that is to say, have been the subjects of divine inspiration, but not to them."

Maimonides suggests various tests by which to judge claims to prophecy. The performance of miracles is no criterion; the so-called miracles may be feats of magic. One test is the character of the claimant. To earn our respectful consideration we must know him to be of a noble character and of high intellectual endowments. "We must examine the merits of the person, obtain an accurate account of his actions, and consider his character. The best test is the rejection, abstention and contempt of bodily pleasures; for this is the first condition of men and, *a fortiore*, of prophets." The sensuality in a pretender to prophecy is the

¹⁵ *Moreh* II 33, *Yad*, *Yesode ha-Torah* 8:1, 2, 3; Letter to Jews of Yemen, 2b, 3a, 4a. On the basis of textproofs from Scripture and from Rabbinic writings, Maimonides held that in the case of the first two commandments the people heard the sound but did not comprehend it. In the case of the following eight commandments they did not even hear the sound. But Crescas in his commentary, *ad locum*, rejects the view of Maimonides as untenable, and insists that the people heard all the ten commandments. Halevi who did not require intellectual perfection for prophecy saw no difficulty in the notion that all the people heard all the ten commandments. Cf. H. A. Wolfson, *ibid.*, p. 67. The sound heard by the people without comprehension but by Moses with full comprehension was of course the "created" sound, miraculously produced for the occasion, as has been noted above. Significant is the comment of Maimonides at the close of his discussion concerning the Sinaitic revelation: "The truth of that conception and how the matter really transpired is very deeply hidden from us, for there has never been before nor will there ever be again anything like it. Note it."

means by which God "exposes false prophets to public shame, in order that those who really seek the truth may really find it, and not err or go astray."

Another test is a study of the prophetic message in the light of subsequent events. The prophet is essentially a teacher of moral and religious doctrine. In its more significant form his message is a clue to the future. When the future vindicates his predictions, we have a confirmation of his prophetic status; when the future fails to vindicate his prediction he is exposed as a false prophet. This is particularly true if the prediction concerned favorable developments. The divine forgiveness may withhold an impending doom foreseen by the prophet; and when history does not precipitate an expected disaster, the prophet's truth may not be impugned. But nothing can explain away a prophet's false optimism. The false optimists of history who have spoken with prophetic pretensions are impostors or madmen; they are not true prophets.

Another test is an objective examination of the contents of the message proclaimed by the would-be prophet. His message must not contradict what has been established by reason. If, for instance, a claimant to prophecy would sanction any form of idol worship, we do not even examine any "signs" he might have to offer in confirmation of his mission; we know he speaks falsehood. "The mind that contradicts his testimony is more reliable than the eye that beholds his signs. For it has been demonstrated by rational proof by philosophers that one must not revere or worship except Him Who is the source of all existing things and in Whom is joined every type of perfection."

The claimant to prophecy must also conform to what is ordained in the dispensation preceding him. He speaks falsehood if he calls for any breaks with the prescriptions of Scripture. A prophet may call for temporary adjustments in traditional law, if circumstances warrant it. But he must not call for its formal modification. Since the Mosaic revelation is the highest manifestation of prophecy, any departure from it would represent a deterioration, and God would surely not authorize it.¹⁶

¹⁶ *Moreh* II 40, III 41; *Yad*, Yesode ha-Torah, 9, 10; Commentary on Mishnah, Introduction. Cf. *Moreh* I 65 and II 28.

THE COMPETENCE OF THE TORAH

How does the Torah meet the needs which reason could not supply? Maimonides subjected the Torah to analysis to indicate its competence in every field, where operating with reason exclusively we should have met with failure. As the fruit of prophetic illumination, the Torah represents a more penetrating, a more direct comprehension of the world as a whole. "Prophecy can teach things beyond the reach of philosophical speculation." And the most crucial of all problems in religion, the question whether the universe is created or eternal, finds its decisive answer in the Torah. The universe, the Torah proclaims unequivocally, was created by God in time. Thus all the basic religious beliefs which hinge on the doctrine of creation, become firmly established. This includes the beliefs in miracles, the Torah's conception of prophecy, the unique revelation of Moses, bodily resurrection, and a divine providence acting on the lives of individual human beings.

The cardinal doctrines concerning God, those elemental norms of faith which underlie all religious life, are taught in the Torah categorically without argument, and their opposites are negated. Long before one becomes capable of the intricacies of the processes of reason, one can know, by following the Torah, the fundamental ideas concerning the existence, the unity, the omniscience, the omnipotence, the will and the eternity of God, and "all this is given in the form of final results." The Torah thus reaches all men, with the more indispensable truths, giving them immediate answers to those questions which could not be left pending till pure reason do her work of demonstration.

At the same time the Torah projects the doctrines and disciplines which will secure for men the perfections antecedent to the intellectual life. Maimonides cited the vast body of specific legislation by which the Torah sought to create a harmonious order of human relations and to establish justice among men. In addition, the Torah prescribes certain truths "the belief in which is indispensable in perfecting our social relations; such is the belief that God is angry with those who disobey Him, for

it leads to the fear and dread of disobeying Him." A morality motivated by pragmatic considerations is not the highest type of morality. When we have risen sufficiently in our development, we know to choose the good because it is good and to shun the evil because it is evil, without any interest in the rewards of this world or of the hereafter. We choose the good and shun the evil because we model our lives after the manifestations of divine providence. The quest to be godlike, to imitate His ways, is a natural, disinterested quest for a spiritually mature person, and rewards and punishments do not figure in it. But in the preliminary stages of human development the principle of retribution is an important factor in man's moral motivations, and helps in the creation of justice among men.¹⁷

The Torah, also, employs a highly effective pedagogy in presenting these truths. Its language is vivid and simple. It concretizes its ideas through profuse illustrations, in parables and metaphors. Its doctrine of God, for example, is not stated in abstract, philosophic terms, but in terms drawn from human experience, which brings it within comprehension by most men. It marshals historic personalities who lived by the beliefs and practices which comprise its recommended pattern of life and others who defied that pattern. By the example of their lives and the consequences which resulted therefrom, it exhorts obedience to its mandates and forewarns disobedience.

The pedagogy of the Torah, moreover, reckons with the important truth of human nature, that we learn more effectively by doing than by discussing. Thus it ordains a series of disciplines built around each major religious doctrine. By the "doing" of those disciplines these doctrines are bound to register profoundly in the consciousness of people. The awareness of God and of man's duties to revere Him, for instance, are amply enforced through the elaborate practices of piety, of religious

¹⁷ *Moreh*, Introduction, I 34, 54, 69, II 16, 25, III Introduction, 1-7, 28, 35, 54; *Sefer ha-Mitzvot*, Positive Commandments 4; Commentary, Mishnah, Introduction to Helek; *Yad*, Teshubah 9.1, 10.1-6, Melakim 12.4, Tum'at Oklin 16.12, Abadim 9.8. Deot 1.5. 6. See above, note 6. For the Maimonidean conception of the Torah as the blueprint for the good society, see Leo Strauss, *ibid.*, pp. 59-67. 108-122.

ritual and ceremony. The doctrine of creation finds its most competent teacher in the observance of the Sabbath.¹⁸

The Torah, once more reckoning with the truths of human nature, did not demand a sharp break with the habits of people, adapting, where necessary, old culture patterns to its own ends rather than asking that they be superseded. Thus the Torah retained the cult of animal sacrifices as a mode of worship. That cult was universally prevalent in those days when the Torah was promulgated, and it would have been too difficult for the people to emancipate themselves from it. The Torah therefore retained it, but purged it of all pagan elements. "By this divine plan it was effected that the traces of idolatry were blotted out, and the truly great principles of our faith, the existence and unity of God, were firmly established. This result was thus obtained without deterring or confusing the minds of people by the abolition of a service to which they were accustomed and which alone was familiar to them."¹⁹

The Torah also provides a technique for disciplining our emotional natures, to train us in curbing our physical desires. This is necessary in order to counteract the tendency to consider physical enjoyment "as an object to be sought for its own sake." The Torah accomplishes this end by such prescriptions as the laws of diet and the laws governing sex life. The forbidden foods, apart from certain specific values which they have individually, "restrain the growth of desire, the indulgence of seeking that which is pleasant and the disposition to consider the appetite for eating and drinking as the end of man's existence." The laws regulating sex life aim "to restrain as much as possible indulgence in lust, and to teach that this enjoyment is not, as foolish people think, the final cause of man's existence."

¹⁸ *Moreh* I 26, 46, 52, 54, 59, 61, II 29, 31, 43, III 24, 35, 43, 44, 45, 50, 57; *Yad*, *Yesode ha-Torah* 1.9-12. Prayer and the various other religious rites are a means of intellectual perfection in that they teach important religious doctrines. But they may also help those who have attained intellectual perfection to concentrate on God and to avoid the distractions of the world. Thus they are a means to man's highest end, which is communion with God.

¹⁹ *Moreh* III 32.

A character so disciplined has conferred upon a person a double blessing. It has made him a better citizen, a more co-operative member of society, since good citizenship frequently calls for self-denial. The creation of justice in society requires that "we do not do everyone as he pleases, desires, and is able to do; but everyone of us does that which contributes to the common welfare." Self-denial, moreover, is essential to intellectual pursuits, the domain where lies man's highest perfection.

Maimonides, finally, called attention to the fact that in the elaboration of its moral disciplines, the Torah was careful not to impose undue hardships on people. It seeks to curb excesses, but it does not encourage ascetic withdrawals from life. Men of strong passions or of low moral inclination have found the way of life ordained in the Torah too hard. But they are not competent to judge. "We must not consider the law easy or hard as it appears to any wicked, low-minded, and immoral person, but as it appears to the judgement of the most perfect, who, according to the law, are fit to be the example for all mankind." If we thus judge the law, and see it from the perspective of the virtuous, we shall find it a perfect law, representing the happy medium between all objectionable extremes.²⁰

The Torah thus meets the total needs of man. It thereby differs from systems of legislation that do not derive from prophetic inspiration. The latter concern themselves with man's physical perfection only. They endeavor to create a social order which will enable man to meet his physical needs. The Torah likewise concerns itself with the problems of the social order. But, in addition, it also tries to disseminate correct doctrines. Indeed it places the social order in its proper perspective, as the base from which men may proceed, unimpeded by material

²⁰ *Moreh* I 34, II 39, III 8, 27, 33, 35, 54; *Teshubot*, ed. H. Freimann, section 370; Cf. B. Cohen, "The Responsum of Maimonides concerning Music," in *Jewish Music Journal*, II 2; Commentary, *Mishnah*, Eight Chapters, ch. 4. The Maimonidean doctrine of the Golden Mean was undoubtedly influenced by Aristotle, but it had ample precedents in Rabbinic writings. Cf. S. Goldman, *The Jew and the Universe*, N. Y. 1936, p. 133; D. Rosin, *Die Ethik des Maimonides*, Breslau, 1876, p. 26, n. 1.

wants, in accordance with the different levels of their intellectual powers, toward the acquisition of the virtues of the soul where lies man's highest perfection.²¹

THE SCOPE OF REASON

The Torah, in other words, qualifies as a chart for the guidance of man in every area of his life. Nevertheless, the Torah is not self-sufficient. It must be complemented by the work of reason.

We need the resources of reason to authenticate religious knowledge. As we mature in years and wisdom and continue to grow in our intellectual virtues we can discover increasingly the true and full meaning of what is only sketchily presented in the texts of tradition. "Scripture only teaches the chief points of those true principles which lead to the true perfection of man, and only demands in general terms faith in them. Thus Scripture teaches the existence, the unity, the omniscience, the omnipotence, the will and the eternity of God. All this is given in the form of final results, but they cannot be understood fully and accurately except after the acquisition of many kinds of knowledge." These many kinds of knowledge, we have already noted, includes especially the studies of mathematics, astronomy, logic and natural science.

Even beliefs that appear to us self-evident require the validation of reason. For all kinds of sophistries frequently agitate the human scene, distorting the obvious and negating the self-evident. Whether inspired by ulterior considerations or by innocent error, the proponents of such views exert an influence over the minds of men. And unless our beliefs are reinforced by reason, we may be deflected from the most self-evident of truths. "There are many things whose existence is manifest and obvious . . . and in fact they would require no proof if man had been left in his primitive state. Such are the existence of motion, of man's free will . . . and of the natural properties perceived by the senses . . . False notions, however, may be spread, whether

²¹ *Moreh* II 37, 40.

by a person laboring under error or by one who has some particular end in view, and who establishes theories contrary to the real nature of things . . . Philosophers are thus required to establish by proof things which are self-evident, and to disprove the existence of things which only exist in man's imagination."

It is only when our religious beliefs have been substantiated by a careful weighing of all the evidence involved that they have been established in true certainty. For belief is only possible "after the apprehension of a thing; it consists in the conviction that the thing apprehended has its existence beyond the mind (in reality), exactly as it is conceived in the mind." The knowledge which can form the basis of such belief cannot rest on tradition alone; it must be reinforced by the knowledge acquired through research and speculation. And thus, while "we must first learn the truths by tradition, after this we must be taught how to prove them." Intellectual perfection is attained only by those "who have succeeded in finding a proof for everything for which there is a proof and who know in matters divine the truth of everything whose truth can be known or who come near the truth of that whose truth can only be approached."²²

Maimonides heeded this imperative and he tried to prove the fundamentals of his religious faith. Since God as an essence is inaccessible to the human mind, our quest for religious knowledge must necessarily proceed by drawing inferences from the nature of things. "For there is nothing else in existence but God and His works, the latter includes all existing things besides Him; we can only obtain a knowledge of Him through His works; His works give evidence of His existence, and show what must be assumed concerning Him, that is to say, what must be attributed to Him either affirmatively or negatively."

In his conception of the structure of the universe, Maimonides followed Aristotle. He described the total universe as consisting of three strata. The Intelligences, which are forms without matter, act upon the world of matter, to shape its character and destiny. The second stratum comprises the realm of corporeal beings which are constituted of matter and form. It comprises

²² *Moreh* I 50, 51; III 28, 51, 54.

a solid globe containing nine spheres, one within the other. Like the Intelligences, the spheres are indestructible. The third stratum consists of transient beings such as the bodies of men, animals, plants and minerals, which persist for a time and then decompose. The last of the Intelligences which is closest to and acts upon our own earth, is the Active Intellect. The ruling power in creation "emanates from the Creator and is received by the Intelligences according to their order; from the Intelligences part of the good and the light bestowed upon them is communicated to the spheres, and the latter being in possession of the abundance obtained from the Intelligences, transmit forces and properties unto the beings of this transient world."

Maimonides was fully aware that this theory involved "assertions which cannot be proved." But he accepted it as did other Aristotelians because it seemed plausible. On the one hand no ready refutations could be brought against it, and it did bring system and order into the phenomena of the universe. He found it "the least open to doubt" and "more systematic than any other" theory.²³

In his proof for the existence of God, Maimonides also leaned heavily on Aristotle. The method of the Mutakallemim had been to infer the existence of God from the doctrine of creation, and they therefore concentrated on establishing a proof for creation. Maimonides showed that their arguments were open to grave objections. He conceded that once we assume creation, the existence of a Creator would necessarily be implied. But it was impossible to prove creation with any certainty, and it was therefore hazardous to have the proof for the existence of God hinge on a doctrine which could not be demonstrated conclusively. The preferable method, as he saw it, was to follow Aristotle and deduct the existence of God from the nature of the universe as it is, without reference to the question as to its origin. For even in an eternal universe, the phenomena of existence in all their motions, pre-suppose an unmoved mover as their initiating cause. And this prime mover, to generate the

²³ *Yad*, Yesode ha-Torah 2.3; *Moreh* I 34, II 3, 11.

eternal motions in the universe, would have to be an absolute Being, not subject to actions from causes beyond Himself, which would thus also make Him incorporeal and unitary.²⁴

Creation cannot be proven, but Maimonides sought to show that it was at least as plausible as the doctrine of eternity. What were the objections of the eternalists to the doctrine of creation? Essentially they pointed to the experiential world where all production requires pre-existent materials. The doctrine of creation, they also argued, would involve God in a period of inactivity when He was only a potential rather than an actual agent, which is impossible. For all potentialities involve an agent in changes, and bring him into dependence on an external cause to effect the change from the potential to the actual. All this, explained Maimonides, rests on a fallacious analogy. It assumes that the character of the production process within an existent universe must necessarily parallel the process by which the universe initially came into being, which does not follow. Similarly the assertion that for God to have commenced creation in time would make Him a potential agent, subject to change and dependent on external causes, is a deduction based on an analogy between man and God. But what is true in the one case need not be true in the other, as God and man are two totally dissimilar realms of being.

Maimonides, in addition, had positive arguments against the Aristotelians. The universe, as Maimonides understood the Aristotelian position, was the result of a divine emanation. It was eternal because the process of emanation had gone on eternally. But emanation was a natural process and therefore subject to the laws of natural causality. Operating by necessity, how could the material world emanate from God Who is form without matter? In every process of natural causation there must be "some relation between cause and effect . . . A form cannot emanate from matter, nor matter from form." The fact

²⁴ *Yad*, Yesode ha-Torah, 1.1-8; *Moreh* I 72, II Introduction, 1, 2, 12, 13, III 17; Letter to R. Hisdai ha-Levi, *Kobetz*, 23a f.; Letter to Jews of Mar-seilles, *ibid.*, 25b. According to the fourth and fifth propositions in the *Moreh* II, Introduction, the term motion is applied "in a general sense to all kinds of change, including every transition from potentiality to actuality."

that the material world emanated not directly from God, but from the Intelligences, does not resolve this difficulty. For is not the Intelligence immaterial and how could the very first level of material existence, the sphere, derive from it? The Intelligence, moreover, as a simple element, could not beget the sphere which, in the Aristotelian system, includes, in addition to itself, a star. "According to the laws of nature, the compound can only emanate from a compound." It would thus be impossible, on the basis of natural causality, to account for the variety of the spheres and stars, their number, their diverse positions and motions.

It had been proposed that we regard this process of emanation as proceeding not by necessity but by the free will of God. Once we assume freedom in God, all things become possible. For an agent acting "with design and will and not merely by the force of the laws of nature, can produce different objects." But, argued Maimonides, volitional emanation cannot be an eternal process. "The true essence of the will of a being is simply the faculty of conceiving a desire at one time and not conceiving it at another." It might be maintained that this characterization is true only of the human will, that the divine will might act eternally, without changing the desires it conceives. But then the will is not really operating freely. "For it is the same thing, whether we say in accordance with the view of Aristotle, that the universe is the result of the Prime Cause, and must be eternal as the cause is eternal, or in accordance with these philosophers that the universe is the result of the act, design, will, selection and determination of God, but it has always been so, and will always be so . . ." The introduction of free will in the source from which the universe derives, will therefore help rationalize existence only if we assume that the process commenced in time and was enacted without the use of pre-existent materials.²⁵

²⁵ *Moreh* II 12-29, III 13; Commentary on Mishnah, Eight Chapters ch. 8; Letter to R. Hisdai ha-Levi and Marseilles Jewry, *ibid.* In *Moreh* III 13 Maimonides appears to infer creation from Aristotle's views concerning the teleology of all things within the sublunary world, which is strange since he generally held that the sublunary world could readily be explained in terms of the workings of natural causality. Maimonides apparently pre-

The clarifying resources of reason are likewise needed to authenticate the nature of tradition itself. The very texts in which tradition is preserved require careful scrutiny to free them from scribal errors which occasionally introduce corrupt and distorted readings. Even where the reading is authentic, it does not *ipso facto* become a valid element of our faith. For surely not every utterance by ancient teachers can be regarded as part of the authentic religious tradition, to be held authoritative by posterity. Some of these utterances were not derived from the prophetic revelation but were part of the cultural background of the teacher who pronounced them, or the result of his own intellectual labors; and they have no more validity than was inherent in current knowledge or in the rigor of his thinking. Thus we must "not expect that everything our sages say respecting astronomical matters should agree with observation, for mathematics was not fully developed in those days; and their statements were not based on the authority of the prophets, but on the knowledge which they themselves possessed or derived from contemporary men of science."

The prophet's distinctive competence enables him to speak with authority on matters where, in the nature of things, proof is impossible. But where proof is possible, even the prophet is bound by that proof. He cannot negate what rational demonstration establishes unequivocally. And because they clashed with the dictates of reason, Maimonides rejected such popular beliefs as astral determinism, demonology and the various practices of magic. He was undaunted by the fact that some of these beliefs were shared by the highest authorities in the Talmud.

supposes here the previously established argument concerning the character of the spheres, and their motions. Since these deviate from the workings of teleology, showing no useful purpose and eluding all explanations in terms of natural causality, we must assume creation. See H. A. Wolfson, "Hallevi and Maimonides on Design, Chance, and Necessity," in *Proceedings, American Academy for Jewish Research*, XI, 1941, p. 154. Dr. Wolfson has traced the theory concerning a volitional emanation proceeding eternally to Ibn Gabirol, *Fons Vitae* I 7. See H. A. Wolfson, "The Problem of the Origin of Matter in Medieval Jewish Philosophy and its Analogy to the Modern Problem of the Origin of Life," in *Proceedings, Sixth International Congress of Philosophy*, 1926, p. 604.

In the field of *halakah* he freely criticized opinions of the *Geonim* where he found them based on insufficient understanding of the subject, and offered his own independent interpretations. "In matters of a speculative nature," he declared, "everyone acts according to the results of his own study and accepts that which appears to him to be established by proof." Our religious tradition thus requires constant scrutiny to free it of non-authentic elements. This scrutiny is of course an enterprise of reason.²⁶

We likewise need the resources of reason to establish the objectives of Scriptural laws. The significance of some (the "judgments") is explicit enough and no special interpretations are necessary to show their relation to the general purposes of the Torah. But there is a class of laws (the "ordinances") whose object does not seem clear, as the prohibition of enjoying the fruit of a tree in its first three years or of a vineyard in which diverse seeds have grown (Lev. 19.23 and Deut. 22.9). There were, of course, some who did not seek an object in the Scriptural laws. It was enough that God ordained them. It was ours to obey without probing into the reasons why. Maimonides rejected this view as altogether untenable. The Torah, according to the divine promise, is due to win the acclaim of the whole world for the wisdom and understanding which it embodies. But what wisdom and what understanding would it embody if its mandates were arbitrary and devoid of rationality? Moreover, God's acts would surely be no less perfect than man's acts. Man invariably seeks some object in what he does; and how can we assume that God would issue commands which have no object in view?

As Maimonides saw it, all the commandments were designed to achieve specific benefits in human life. "Every one of the six hundred and thirteen precepts serves to inculcate some truth, to remove some erroneous opinion, to establish proper relations in society, to diminish evil, to train us in good manners, or to warn us against bad habits." Where the usefulness of a commandment is not readily apparent, we shall find it if we probe

²⁶ *Moreh* I 48, 71, II 8; *Yad*, Yesode ha-Torah 7.2, Ishut 1.13, Malveh-Loveh 15.2; Letter to Marseilles Jewry, *Kobetz* 25a; Commentary, *Mishnah*, Introd.; *Erubin* 4.1, *Gittin* 8.1. Cf. L. Finkelscherer, *Moses Maimunis' Stellung zum Aberglauben und zur Mystik*, Breslau 1894, pp. 45-93.

a little more diligently for it. Thus in the case of the "ordinances," we shall find their rationality when we study them in their historical setting. Those practices and many others like them had been employed in various magic rites associated with ancient agriculture. The Torah prohibited them as part of its general struggle against ancient idolatry and superstition. The study of ancient culture, which is an effort of reason, therefore, becomes an aid in establishing the rationality of the laws in the Torah.²⁷

Finally we require the resources of reason to interpret the texts of prophecy. For the language of prophecy had to be adapted to a highly specialized task. On the one hand it had to convey the basic truths of religion to all people, including the uncultured multitudes. The full truth they were incapable of apprehending. And it was indeed necessary to veil the full truth from them lest they suffer confusion under its impact. What they required was a simplified version of the truth, adapted to their level of comprehension. But simplification was not to be falsification. And it was no less important to speak the full truth to those who had advanced in their intellectual development and were capable of apprehending it.

²⁷ *Sefer ha-Mitzvot*, Principle 9, *Moreh* III 26, 29, 30, 31, 34, 35, 37, 39, 50; Letter to R. Hisdai ha-Levi, 23b. This shows the keen appreciation of Maimonides for the study of history. It has been maintained that Maimonides deprecated history because in his Commentary on Mishnah Abot I, end, he brands as idle talk "the tales of most people on what transpired and what was and what the customs of that king are in his palace, and how that one died, or another became wealthy." But this is not history; it is idle gossip and Maimonides correctly brands it as such. In *Moreh* III 26 Maimonides admitted that within the general scope of the commandments which are rational there might be non-rational elements. Thus while we may find a good reason for animal sacrifice, "we cannot say why one offering should be a lamb, whilst another is a ram; and why a fixed number of them should be brought . . . It is almost similar to the nature of a thing which can receive different forms, but actually receives one of them. We must not ask why this form and not another which is likewise possible, because we should have to ask the same question if instead of its actual form the thing had any of the other possible forms." Cf. Aristotle, *Nicomachean Ethics*, V 7. In *Moreh* III 34, he likewise admitted that the utility of the commandments might not appear in exceptional individuals, even as in the case with the utility of the laws of nature; they are both addressed to the normal man.

The prophets met their task by developing what is the distinctive literary style of Scripture. It is a kind of double talk, revealing a little and concealing a little, a language of hints, of allegories and parables, of metaphors and homonyms. The literal meaning is addressed to the common people, while the hidden meaning, offering a more profound level of truth, is addressed to the chosen few who are equipped to receive it. As Maimonides put it, Scriptural language is cast in metaphors "in order that the uneducated may comprehend it according to the measure of their faculties and the feebleness of their apprehension, while educated persons may take it in a different sense."

The literal reading of the Biblical text would often bypass many invaluable doctrines of our faith. Frequently, moreover, it would even lead us to absurd errors. Thus we have noted that the Torah speaks of God in anthropomorphic terms. It asserts that man is made in the divine image. It describes God as speaking to prophets, or as walking, seeing, working, resting, sitting, writing, hearing. Taken literally these assertions would involve us in the blasphemy of conceiving God as corporeal and finite. The Torah likewise includes many literary exaggerations which seem fantastic and clearly impossible unless we take them as figures of speech.

The Torah similarly attributes emotions to God. It describes Him as being pleased with the righteous and indignant with the wicked. Emotions describe changes which transpire in an essence and they are clearly inapplicable to God Who is not subject to change. These expressions, too, are employed for pedagogic reasons. They concretize the qualities of divine providence, which manifests itself in the universal law of retribution, and, thereby, create incentives for obedience to the laws of righteousness. Acts of reward and punishment when performed by human beings are associated with certain emotions, and metaphorically these emotions are ascribed to God. "Whenever any of His actions is perceived by us, we ascribe to God that emotion which is the source of the act when performed by ourselves, and call Him by an epithet which is formed of the verb expressing the emotion."

And the same applies to various allegories, literary exag-

generations or hyperbolic statements in prophetic literature. Thus nobody doubts that "May the Lord open to thee His good treasures, the Heavens" must be taken figuratively; "for God has no treasure in which He keeps the rain. The same is the case with the following passage — 'He opened the doors of heaven, He rained upon them manna to eat' (Ps. 78.23, 24). No person assumes that there is a door or a gate in heaven, but everyone understands that this is a simile and a figurative expression. In the same way must be understood the following passage — 'The Heavens were opened' (Ezek. 1.1); 'If not, blot me out from Thy book which Thou hast written' (Ex. 32.32); 'I will blot him out from the book of life' (*ibid.* 33). All these phrases are figurative; and we must not assume that God has a book in which He writes, or from which He blots out, as those generally believe who do not find figurative speech in these passages."

There is another peculiarity in the idiom of prophetic writings which reason will clarify, and that is the tendency of the prophets to trace the cause for all events to God. This notion seems in conflict with our experience which shows events as transpiring through more direct causes, "whether these causes consist in substance, physical properties, free will, or chance — by free will, I mean that of man — or even in the will of another living being." But there is no real conflict. The prophets simply omit the intermediate causes and reckon with the ultimate Cause, Who is the cause behind all intermediate causes. Since God is the source of all intermediate causation, "it can consequently be said of everything which is produced by any of these causes that God commanded that it should be made, or said that it should be so . . ."

Many people took Scriptural expressions literally, identifying religion with doctrines that were intellectually untenable. It was above all to the emancipation of Scripture from this literalism that Maimonides dedicated his *Guide*: "This work seeks to explain obscure figures which occur in the prophets and are not distinctly characterized as being figures. Ignorant and superficial readers take them in a literal, not in a figurative sense. Even well-informed persons are bewildered if they understand these

passages in their literal signification, but they are entirely relieved of their perplexity when we explain the figure, or merely suggest that the terms are figurative. For this reason I have called this book *Guide to the Perplexed*."

The use of figurative language in Scripture complicates its interpretation, but the prophets had no acceptable alternative. "If we were to teach in these disciplines, without the use of parables and figures, we should be compelled to resort to expressions both profound and transcendental, and by no means more intelligible than metaphors and similes." It therefore becomes a task of reason to define the true meaning behind each metaphor. And one of the impressive contributions of the Maimonidean classic is the formulation of the norms by which such expressions in Scripture may be correctly interpreted as well as the application of these norms to a multitude of specific cases, among them the most baffling in the whole range of Scripture study.

Thus it takes reason to clarify what the true teachings of the Torah really are. In the words of Maimonides: "Employ your reason, and you will be able to discern what is said allegorically, figuratively, or hyperbolically, and what is meant literally, exactly according to the original meaning of the words. You will then understand all prophecies, learn and retain rational principles of faith, pleasing in the eyes of God Who is most pleased with truth, and most displeased with falsehood; your mind and heart will not be so perplexed as to believe or accept as law what is untrue or improbable, whilst the Law is perfectly true when properly understood . . ." ²⁸

THE TORAH SANCTIONS THE USE OF REASON

In his consideration of the place of reason in man's quest for truth, Maimonides was aware of Scriptural admonitions against it. In Scripture and particularly in the Talmud there are passages which clearly forewarn speculation as injurious to the

²⁸ *Moreh*, Introduction, I 26, 46, 52, 54, 59, 61, II 29, 30, 40, 47, 48, III Introduction, I-8 25, 41; *Yad*, Yesode ha-Torah 1.9-12; Commentary on Mishnah, Introduction; Letter to Yemenite Jews, p. 2a.

religious life. In the dominant piety of his day, those passages were taken as decisive, and those who gave themselves to speculative studies, to science and philosophy, had earned considerable disapproval from the religious authorities.

Those passages, Maimonides explained, do not propose "to close the gates of investigation entirely, and to prevent the mind from comprehending what is within its reach." They are directed against possible abuses in the pursuit of such studies. They are directed against people entering speculative pursuits without being adequately prepared for the rigorous processes of reason. They are likewise directed against pre-occupations with questions which are outside the competence of reason. We cannot answer such questions as what is the nature of the planetary worlds; why did God create the universe at a particular time rather than at another; why did He choose to give existence the specific form which He chose to give it; what is the nature of the "action" by which God sustains the universe; what is the divine "essence." Such questions are outside the scope of reason to deal with. For all we can know is the empirical world. God gave man "power to know the things which are under the heavens; here is man's world, here is his home, into which he has been placed, and of which he is himself a portion. It is in fact ignorance or a kind of madness to weary our minds with finding out things which are beyond our reach. We must content ourselves with that which is within our reach."

It is not only pointless to delve into matters which in the nature of things are outside the reach of our reason. It is bound to produce confusion and doubt and to deflect us from our true course. As the eye will be weakened in the perception of normal phenomena after it has wearied itself with attempting to see what is outside the range of its normal vision, so will the mind. "If a person studies too much and exhausts his reflective powers, he will be confused, and will not be able to comprehend even that which had been within the power of his apprehension."

Within the sphere where it can operate fruitfully, on the other hand, the pursuits of reason are not only permissible, but mandatory. The duty to engage in such studies is included in the command to love God. Such love hinges upon a knowledge

of His will and of His providential wisdom as manifest in creation. Love cannot be assumed at will; it comes as a by-product of comprehension. The command to love God, therefore, calls upon us "to contemplate His commandments and His utterances and His works till we comprehend Him and feel utmost delight in our comprehension of Him and this is the love concerning which we are obligated."²⁹

Maimonides was anxious to establish that in his acknowledgement of a wide area of authority for reason in religion he was not really an innovator, that he was not really bringing an alien element into his faith. He pointed to a Talmudic admission that on some problem in astronomy the pagan thinkers had shown greater competence than the sages of Israel, who thereupon "abandoned their own theory in favor of the theory of others." He tried to show that many of the scientific teachings of Aristotle were not only compatible with the Torah, but were actually to be found therein, upon a careful reading of the Scriptural text. The Aristotelian doctrine of the Intelligences, for example, was nothing but another name for the Torah's teaching concerning angels. The Aristotelian characterization of the Intelligences parallels fully the characterization of angels in Scriptural and rabbinic sources. And he therefore felt justified in concluding: "When we assert that Scripture teaches that God rules the world through angels, we mean such angels as are identical with Intelligences."

Various other doctrines in the Aristotelian system were to be found in Scripture. The creation account in Genesis and Ezekiel's visions of God, interpreted in a symbolic and allegori-

²⁹ *Moreh* I 32, 58, 70, 72; II 24, 25, III 1-7, 12, 13, 25, 28, 51, 52; *Yad*, *Yesode ha-Torah*, 2.1-2; *Meila* 8.8; *Sefer ha-Mitzvot*, Positive Commandments, 3; Negative Commandments, 47; *Yad*, *Akum* 2.3, Essay on the Resurrection, 10a. The teleology of creation is evident in the Torah no less than in nature. In *Sefer ha-Mitzvot*, Negative Commandments, 47, Maimonides regards the pre-occupation with speculations concerning matter beyond the competence of reason as a violation of Scriptural law. Cf. Abraham ibn Daud *ha-Emunah ha-Ramah*, Berlin, 1919, p. 100 who says explicitly, "It is impossible that a person shall love anything with an intense love without knowing it," thus explaining why the commandment to love God must include the duty to pursue philosophical studies.

cal meaning as intended, offer us respectively all the vital teachings in natural science and metaphysics. These teachings were not stated explicitly because they were judged beyond the comprehensive powers of the common people.

He likewise found support for his views concerning the metaphoric character of Scriptural anthropomorphisms. He pointed to the well-known rabbinic statement: "The Torah speaketh the language of man." There was a Midrash (*Bereshit Rabbah* ch. 27) which stated this truth even more explicitly. Commenting on Ezekiel's portrayal of God in the image of a man (ch. 1.26), the Midrash asserts: "Great was the power of the prophets; they compared the creature to its creator." "Our sages have thus stated in plain terms that they are far from believing in the corporeality of God; and in the figures and forms, seen in a prophetic vision, though belonging to created beings, the prophets, to use the words of our sages 'compared the creature to its creator'." Thus we have a clear recognition that in their anthropomorphisms the prophets spoke of God by means of analogies borrowed from human experience, a device intended to make God more comprehensible to the common man.

Considering the traditional recognition for the role of reason in religion, why was there such paucity of philosophic and scientific material in traditional Jewish literature? And why was there such distrust for the work of reason among contemporary religious leaders in Israel? Maimonides felt called upon to deal with these questions.

In part, Maimonides suggested, this was due to the fact that such studies were not carried on publicly. They were confined to the select few who had the necessary prerequisite education, and they transmitted their findings orally, without reducing them to writing. Moreover, the conditions of living under foreign domination produced a cultural decadence among Jews, with the result that such studies were neglected and what had been achieved in the past was gradually forgotten.

It was this cultural decadence, too, which produced the widespread distrust of reason in contemporary Judaism. Living among people whose religion is hostile to reason, Jews tended to do likewise, forgetting that this is a departure from the

authentic character of Jewish tradition. "We are mixed up with other nations; we have learnt their opinions, and followed their ways and acts . . . Having been brought up among persons untrained in philosophy, we are inclined to consider these philosophical opinions as foreign to our religion, just as uneducated persons find them foreign to their own notions. But, in fact, it is not so."³⁰

REASON AND REVELATION

Thus we must fashion the edifice of our religion with the tools of both reason and revelation. There is an absolute and a relative need for the Torah, in addition to reason. Reason's competence is confined to questions relating to what may loosely be called the sublunary world. It cannot answer yes or no on the most momentous question, whether the universe is created or eternal. For this we are dependent on the Torah. The relative need for Torah derives from several considerations. Life is too short to enable us to reach the basic truths of religion through independent inquiry. The intelligence of the common people is altogether unsuited to undertake successfully the study of metaphysics. The Torah employs a pedagogy which gradually leads men to the comprehensions of vital truths, in accordance with the possibilities of their natures and the state of their cultural development. The Torah, finally, does more than convey correct doctrines. It projects a law that makes possible the creation of a just society, within which man's physical needs can be met, in addition to taking care of man's spiritual and intellectual welfare.

The need for reason is no less important, though it is largely a relative need. We are dependent upon reason to prove our

³⁰ *Moreh*, Introduction, I 26, 46, 71, II 6, 8, 11, III Introduction, 1-7. In one sense the *Guide* was thus an attempt to reveal the secrets of the Law, what Scripture had intended to be veiled from the general public. To avoid the transgression he composed his work in the form of a letter to an individual, who, being duly prepared for it, was entitled to have the matter expounded to him. He also employed a method of hints rather than of explicit statement which would keep his ideas more or less obscure to an ill-prepared reader who might come upon his work. For this entire subject cf. Leo Strauss, "The Literary Character of the Guide," pp. 37-91.

religious doctrines to the extent that they can be proven, and to round them out in all their implications. Reason must stand guard against the accretion to our religious faith of false and superstitious beliefs. And reason must interpret the literary texts in which revelation expresses itself.

And thus does the conflict between philosophy and the Torah resolve itself. To the extent that each teaches an authentic doctrine there is no conflict between them. For the capacity to reason and the prophetic illumination both derive ultimately from God and they must consequently harmonize. Truth, in other words, has an inner coherence and it cannot be in conflict with itself. Conflict arises when men distort the teaching of Scripture or when they carry their philosophies beyond the essential conclusions which flow from the processes of reason. Employed in their respective fields of competence, however, reason and revelation prove to be allies instead of adversaries. And when a person steers himself by means of both, he will reach his true end, living in constant communion with God, which is the supreme bliss in human existence.

THE MAIMONIDEAN SOLUTION

Maimonides did not originate a philosophical system. Indeed, he looked upon himself as an adversary, a critic of philosophy. Nevertheless, because Maimonides leaned on the teachings of Aristotle for the explanations of the natural order, and showed such marked respect for his views, it has been asserted that Maimonides was an Aristotelian, that he had to make Greek philosophy rather than the Torah the supreme interest of the religious life. Ahad ha-Am has even gone to the extent of declaring that the Maimonidean theology teaches the very supremacy of reason. Our investigation fails to bear out this judgment.

We have already noted that in all the crucial issues where philosophy and the Torah clashed he upheld the Torah. In vindicating the doctrine of a created universe, he held on to the conception of a God Who is above necessity, a God Who can inject Himself into the flow of events to produce miracles, to illumine the prophets, to cause the unique revelation of the

Torah, and to exercise His providence over individual human beings. And it is clear too that in taking his stand Maimonides was not merely concerned with appeasing the Orthodox. On some of these issues, he had alternatives, with ample support in traditional Jewish sources, which would have brought him closer to philosophy. He could have followed the Platonic doctrine of the origin of the universe, introducing an eternal matter as the stuff out of which the universe was fashioned. This doctrine he held reconcilable with the teachings of Scripture, and he called attention to such a view in the *Pirke de R. Elizer*.³¹ On the question of miracles, he could have followed the Talmudic interpretation which asserted that miracles, instead of interrupting the necessities of nature, had really been included in those necessities at the very time of creation. Indeed, he could have explained away miracles altogether by allegorizing their meaning as had been done by a school of Moslem theologians before him, the Batenis. Instead, he chose, in all those instances, a thorough going repudiation of philosophy in favor of the explicit doctrines of the Torah.

Moreover, Maimonides makes it clear that he never sought to teach philosophy as such, that his occasional discussions of problems in philosophy were, incidental to another and, for him, a more basic task — the defense of the Torah. "It was not my intention when writing this treatise," he explains in a revealing note to the *Guide to the Perplexed*, "to expound natural science or discuss metaphysical sytems . . . where you therefore notice that I prove the existence and number of Intelligences or the number of the spheres, with the causes of their motion or discuss the true relation of matter and form, the meaning of divine manifestations, or similar subjects, you must not think that I intend to establish a certain philosophical proposition . . . I only desire to mention what might, when well understood, serve as a means of removing some of the doubts concerning anything taught in Scripture . . ."³²

The Maimonidean accommodation between reason and revelation should be of more than historical interest to us. The phi-

³¹ *Moreh* II 13, 25, 26.

³² *Moreh* II 2.

losophy and science with which we must reckon in our religious life is radically different from the Aristotelian system. And we might not be inclined to read our scientific hypotheses into the texts of Scripture. But the challenge which faces us is essentially similar. Can we by reason alone comprehend all the realities about us? Is the universe, such as our scientific conceptions portray it, an impersonal, eternal enterprise, knowing no more than the necessities of nature, and being wholly bound by those necessities? In such a universe there would of course be no room for a unique revelation such as is embodied in the Torah, and we would be denied the assurance of any significant realizations in the drama of human life. For in such a universe even God would be a helpless participant in a process over which He can exercise no initiative, a process that was endlessly repeating itself without seeking any wise or beneficent purpose. When men will seek an answer to these questions which will not rob life of its dignity and its hope, they will follow in the footsteps of Moses Maimonides.

THE MODERN RELIGION OF MOSES HART

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IN THE year 1818 there appeared in the city of New York a sixty-one page essay entitled *Modern Religion*. Its author was Moses Hart.

In presenting his ideal of a universal religious system to "the good people of this enlightened age" the writer said: "To harmonize the religious contentions of mankind; to heal the wounds flowing from religious intolerance, persecution, fanaticism, bigotry and tyranny; and to seat religion on the bed of truth, virtue and brotherly love, is the ardent desire which warms my breast. To proclaim religion the most noble, yet the most comprehensive science; the most sublime and magnificent, yet open to the meanest capacity; and to make religion the consoling prop of mankind, is the aim of my present undertaking."¹

Moses was a member of the well-known Canadian family of Harts. He was a son of Aaron, who originally came from New York City to Montreal in 1760 with the English as a commissary officer; was very successful in his commercial ventures, and ultimately became a large landowner. He settled at Three Rivers in Lower Canada and it was there that his eldest son, Moses, was born in 1768.

In dividing his property Aaron gave the seigneurie of Ste. Marguerite and the fief Marquisat-Dusablé to his first-born. Moses was also seigneur of Courval, and Grondines, and was thus a very large landowner. Some time in the middle 1830's he established a private bank in Three Rivers and issued his

¹ Preface.

own bank notes during the days when the French-Canadians, urged on by their rebellious leader, Papineau, were reluctant to accept government paper. He also engaged in general commercial activities, and was one of the first to bring the steamboat to Canada. His chief competitor was Mr. Molson, the pioneer of steam navigation on the St. Lawrence. A little over two years after Fulton's *Clermont* puffed its way up the Hudson to Albany, one of Moses Hart's steamboats was ploughing its way through the St. Lawrence. This was in October, 1809. During the Napoleonic wars he engaged extensively in the exportation of grain to Europe.

Hart was reputed to have been as ambitious, though not as able as his distinguished father, Aaron. The traditions and stories that have gathered around his name show that he was undisciplined and eccentric, yet canny and clever. There is a story to the effect that an engineer on one of his steamboats was in love with a girl and was eager to see her as frequently as possible. He would repair to Moses Hart and inform him that the boat was tired! The owner understood the situation perfectly and instructed him to give it a rest at the mouth of the St. Maurice, where the girl lived! He died a wealthy man in 1847, leaving a number of legitimate and illegitimate children.²

This, in brief, is the biography of this rather undistinguished person who set out to establish (on paper, at least) a universal faith which would serve "to tranquillize the jarring religions under one banner." He began his work, in the Introduction, with a four-page statement of his theological beliefs, primarily his God concept, and then proceeded to outline the structure of his "ceremonial religion."

The book itself begins with a "solemn installation oath" for those whom we would call confirmands or initiates. This is fol-

² The data for the life of Moses Hart is found in: Abraham Rhinewine and Isidore Goldstick, *Looking Back a Century*, Toronto, 1932; Benjamin G. Sack, *History of the Jews in Canada*, Montreal, 1945; A. D. Hart, *The Jew in Canada*, Toronto, 1926; personal communication dated December 4, 1946, from Alan J. Hart of Montreal; Benjamin Sulte, "Les miettes de l'histoire," *Revue Canadienne*, VII (1870), 426 ff.; Raymond Douville, *Aaron Hart, Récit historique*, 1938.

lowed by the "three superior duties obligatory," and the "twenty-five secondary duties obligatory." After this presentation of the principles of the new faith, the author proceeds to describe and give the contents of the ceremonies of marriage and divorce. Life apparently begins with marriage, but by a natural association he takes the opportunity to write of divorce because the two are so intimately related. Then, influenced by the chronological scheme which he has adopted, he turns to the formal prayers recited by a woman lying in childbirth, and to those said by her husband on her recovery. Next comes the naming of the child, then prayers for children, for adults, for the Day of Rest and for the three major holydays of the year. Then come the occasional forms and blessings, such as petitions for the sick, prayers before meals, prayers in a storm, those said on going on a sea voyage, on returning safely to port, on undertaking a journey, on coming back from one, and on "making an enterprise." This is followed by petitions recited when in trouble, and on being released from trouble. Considerable space is devoted to war and peace; prayers are given for those about to engage in battle and for those who celebrate the end of the struggle. There are also supplications to be recited during the entire period of the war's duration. This war liturgy is followed by the author's own decalogue, which was recited on the weekly Day of Rest, on the three major festivals, and by the young man or woman who took the initiation oath. The liturgy closes with the funeral service for the dead.

Through an analysis of this brief religious system we shall attempt to describe the ideas of the writer and the sources which he utilized. It is no less important to determine also whom he hoped to influence. He himself gives us our first hint in the all too brief advertisement which is inserted as the last page of his book. We are informed by him that this "ceremonial religion" of his, founded on natural principles, was submitted for the consideration of Jews and deists. The typical deistic character of his teachings is strongly reflected in the theology of the Introduction. He proves the existence of a Benevolent Creator through the argument from design, reflected in the perfect workmanship and harmony of the celestial system and in divine providence

for the "wants of the meanest creature." His essence is justice and order, truth and charity; His virtues are ours to imitate.

The Beneficent Creator could not, by His very nature, punish the wicked in any eternal netherworld. The evil are punished in this world by the Greatest Creator and by the laws of the land. (The author never uses the word "God.") There is immortality in the future world, "further benefits" there, but apparently no punishment. The good we do finds its reward in this life. To express gratitude unto Him it is incumbent upon us to serve Him through a ceremonial and rules of conduct which will enable us to live "a virtuous and honorable life."

Thus, in this brief theological outline, Hart follows the classical deistic tradition of a belief in a unitarian God, in immortality, and in the practice of "charitable actions to each other."

The actual liturgy of this new religion begins with the "Solemn Installation Oath" administered to a male at fifteen and to a female at fourteen. The person rendering the oath does so kneeling, with hands raised in a position of adoration, and then recites the new decalogue. These ten commandments do not show much dependence on the traditional biblical decalogue. In the first precept the initiate promises gratitude to God; in the third he vows honor and respect to parents. In the other eight, the speaker — always speaking in the first person — declares he will be loyal to the state in the spirit of freedom and justice, that he will not defraud his fellow man, commit any crime or violence, nor communicate any deadly disease, and that he will judge his fellow-man with mercy, equity and justice. The neophyte in this decalogue openly proclaims the belief that he will be rewarded and punished in this life for the good or the evil that he does.

This initiation or confirmation ceremony shows Christian and Jewish influence in general, but the details are surely non-Jewish: traditional Jewish "confirmation" of course, was at the age of thirteen, and the kneeling position has no place in *bar mizwah*. Hart is incidentally careful to avoid the use of the term "rabbi" when speaking of directors, priests, ministers and the authorized leaders of a community. He writes of churches, chapels, rooms, temples, edifices of public worship, but only once

in the entire essay does he mention the word "mosque" or "synagogue." He does not attempt to deny that he is a Jew — in the advertisement he informs us that he had received a Jewish education — but he does not wish to identify his religious system with anything Jewish. That is obvious. Perhaps he believed that this would serve to prejudice people against it, or, on the other hand perhaps he realized he had departed from any intellectual relationship to the synagogue.

One nurses the impression that the theological prescriptions in his decalogue are perfunctory; he has moved to the left from the theological position he took in the Introduction. In these ten commandments he says nothing of immortality; he speaks only of gratitude to the Almighty Creator, and of reward and punishment in this life, probably through society, not through God's providence. The emphasis throughout his decalogue is on social ethics. We are dealing here with a sort of early nineteenth-century ethical culture society.

The sixth commandment runs as follows: "I will not persecute any person on account of his or her political or religious opinions or belief." This specific commandment will take on added meaning in the light of the history of the Hart family. Political and religious liberty meant a great deal to them. As early as 1770, Aaron Hart, the father, was among those who besought the British authorities to grant the people of Canada a representative legislative assembly. After the successful revolt of the American colonies a petition of 1784 asking for a government in Canada founded on "fixed and liberal principles" carried the signature of Moses Hart. (It is possible, however, that this Moses Hart may have been an uncle of our Moses Hart.) Sometime before the death of the father, Aaron, in 1800, our Moses Hart nursed the hope of becoming a member of the Legislative Assembly of the Parliament in Lower Canada. His father, however, dissuaded him from running, warning him that as a Jew he could not be successful in this aspiration.³ Apparently a younger brother, Ezekiel, was not so easily dissuaded. At any event, the father, who might have stopped him, was already dead when

³ Raymond Douville, *Aaron Hart, Récit Historique*, 1938, II, 124-125.

in 1807 Ezekiel ran and was elected to the Legislative Assembly of Lower Canada for the Borough of Three Rivers.

The election of Ezekiel in 1807 was the beginning of a long struggle for religio-political liberty that ended only in 1832 when the Jews of Canada were finally granted political and civil rights. When Ezekiel Hart appeared in the Provincial Parliament on January 30, 1808, he was not permitted to take his seat. The issue was involved. Although the French element in Three Rivers had elected him, the French leaders in Parliament resented him because of his strong pro-British sympathies and because of his close friendship with the unpopular and inept Governor, Sir James Craig. *Le Canadien*, the French language newspaper, had attacked Ezekiel Hart as a Jew; *The Mercury*, the English organ, had denounced the expulsion of the Jew from Parliament as an "act of tyranny of ignorant fanatics" and had scoffed at the "idolatrous worship of the Catholics." Hart was in part the victim of Anglo-French political and religious rivalries, but he was actually refused his seat because he was a Jew. Ezekiel ran again in 1808 and took his seat in 1809. This time he took the oath, not according to the Jewish custom, with covered head and with hand on the Book of Moses, but with head bared, on the Evangels. In all probability he thought he owed this concession to his constituents. Although he was always a practicing Jew he took the oath "on the true faith of a Christian," for he had prior to this time assured the authorities that he was prepared to take it in the "usual⁴ form." Going to Canossa was evidently not enough for his opponents for they proceeded to identify him officially as a Jew and then to exclude him legally because of his Jewishness, and thus to deny the validity of his Christian oath. To preclude the hostile legislature from taking final action, which would make it impossible for Jews in the future to become members of Parliament, the Governor-General, Mr. Craig, dissolved the Assembly on May 15, 1809. Ezekiel Hart had by this time learned his lesson; he never again stood for election in the Legislative Assembly, although he was nominated again in October.

⁴ Christian.

This cavalier treatment of a member of the family must have rankled deep in the hearts of the powerful Hart clan.⁵ Is it too much to assume that Moses Hart was influenced by his own experience and particularly by those of his brother Ezekiel from 1807 to 1809 to believe that a new religious system should be evolved, which would not countenance political and religious persecution? "Alas! how many millions of people have fallen victims to religious intolerance, bigotry and tyranny," he laments in his Preface. He was speaking not only of the world, but from bitter personal experience that was reinforced by another rebuff to the family three years after Ezekiel had been expelled from Parliament.

Benjamin Hart, still another brother, sought a commission in the militia in 1811. There was no legal objection to this aspiration. The request was referred to Colonel Thomas Coffin, the commander, but was rejected by him in the summer of 1812 on the ground that the men would not serve under him because of his religion. In August of that same year Benjamin Hart wrote a detailed letter to the Governor, Sir George Prevost, explaining that the issue here was a personal one — that other Jews had held positions in the militia but that Colonel Coffin had been one of the men defeated by his brother Ezekiel Hart in the election of 1807 and was now taking advantage of the situation. Apparently, his protest was of no avail: there is no record that Benjamin received his commission at this time.⁶

Years later, during the troublesome days that preceded the Rebellion of 1837 and 1838, Moses and Ezekiel Hart, unlike brother Benjamin (who was a staunch defender of the English system) were at first sympathetic to the French patriots in Lower Canada, who were now protesting against the abuses of the régime in Quebec. Moses, apparently, still held liberal views. He had not forgotten what he had written in 1818: "I will not

⁵ *The Mercury*, Feb. 22, 1808, quoted in Sack, pp. 88-90. The political rebuffs of Ezekiel Hart are described in the above mentioned works of A. D. Hart, Rhinewine, and Sack. Further details may be found in *Publications of the American Jewish Historical Society (PAJHS)*, I (1905), 119 ff.; *PAJHS*, XXIII (1915), 43 ff.

⁶ *PAJHS*, XXIII (1915), 137 ff.

persecute any person on account of his political or religious opinions or belief."

The "three superior duties obligatory" which follow after the decalogue, are merely an expression of the first, the ninth and the tenth commandments: they are the duty of offering thanks to God "when we may reasonably hope to be rewarded in a future life"; the duty of living an honorable life and the reward to be expected in this world; the duty of abhorring evil which will assuredly be punished in this world.

The "twenty-five secondary duties obligatory" which follow stress the ethics and morals necessary for a happy society. The first three — following Catholic and Jewish patterns — forbid the use of the Almighty Creator's name thoughtlessly, require a slight inclination of the head when He is mentioned, and ask for thanks to Him "on lying down and rising from rest, at meals, and every other particular occasion." The fourth duty is to appropriate edifices for purposes of religion, to appoint a clerical leader who will also serve as the school superintendent, and to set up district ministers who are to supervise the individual clergymen.

The people are enjoined to set aside one day of the week to serve as a rest day; three grand festivals are also to be kept during the year. Among the remaining twenty-five duties are the commands to be loyal to the rulers "if their conduct merit respect," to honor and to support indigent parents and relatives; to love one's fellow-man, to avoid riots, to aid the sick, encourage the sciences and the arts, etc.; to be honest and hospitable, to judge our fellow creatures with mercy, to practice cleanliness, avoid incest, to make an effort not to communicate infectious diseases, and to keep far from every type of crime.

Among these "twenty-five duties" is the prohibition against enslaving a fellow creature for life without his "full approbation." Castration is forbidden, and one-third of the property of a convicted murderer is to be turned over to the nearest heirs of the victim. Lawsuits are first to be submitted to the clergy for amicable settlement — suits for debt excepted — before resorting to the civil courts. No woman is to cohabit with a man when menstruous. This latter commandment, of course, reflects orthodox Jewish practice.

The ceremony of marriage follows. As implied by the "installation" oath, majority is attained at fifteen by men, and at fourteen by women. Polygamy is tolerated, for the author no doubt hoped that his system would be adopted in lands where plural marriages were practiced. For this reason the man is not required to offer his bride the oath of fidelity which she is required to offer him. In order to protect the wife she is to receive a copy of the marriage document which she is to turn over to her nearest relative. If the couple have any children born out of wedlock, they are to be placed between the parents during the wedding ceremony.

The approach to marriage here is a realistic one in view of the frequency of extra-martial relations and common law unions in Canada at this time. The seigneurs of Canada were notorious for the "establishments" they maintained. Moses Hart — as seigneur — was, as we know through his will, no exception in this respect and was therefore dealing with a problem that touched him very directly. Typical of the marriage abuses of this generation is the story of Bernard Hart, who, by the way, was not related, as far as we know, to the Harts of Three Rivers.

Bernard Hart, an American merchant of English birth, married Catherine Brett in Canada in 1799 and then separated from her after a year or two. Whether there was a formal marriage or divorce is very questionable. He returned to New York, re-married in 1806, and became a pillar of society. Before they parted, Catherine Brett had a child by him, Henry, born in 1800, who was the father of Francis Bret Harte, the famous American writer.⁷

Divorce was permitted — in this *Modern Religion* of Moses Hart — after a preliminary six-months period of absolute separation and after a trial by jury sitting in the presence of the district or superior clergyman. If the divorce was granted by a majority of the jury, then a further lapse of eighteen months was to intervene before remarriage would be permitted; if the divorce was not granted by the church-appointed jurors, then there was to be no divorce by the State in less than five years.

⁷ *PAJHS*, XXXII (1931), 99 ff.

Final decrees of divorce are in all cases to be secured from the civil courts provided the parties have not had sexual relations during the entire period of separation. If they did, a further prohibition to remarry for three more years may be imposed by the ecclesiastical court. Divorce was certainly not to be encouraged.

Returning to his chronological scheme — now that he has surmounted the hurdle of divorce — Hart presents a series of brief prayers: for a woman lying in childbirth, for her husband, and for herself on her recovery, for naming a child, and brief petitions to be recited by children and adults, morning and night. In a rather vague way these prayers follow the traditional pattern laid down in Christianity and Judaism. Hart, who enjoyed a very fine social position, had ample opportunity to observe Christian religious practice at first hand. He was also well acquainted with Jewish ritual observance. We know that this is true, not only through his own statement in the advertisement appended to his ritual, but also by virtue of the fact that his father Aaron was an observant Jew and had very early subscribed to several copies of David Levi's edition of *The Order of the Daily Prayers in Hebrew and English, according to the Custom of the Spanish and Portuguese Jews, etc.*⁸

Occasional phrases in the *Modern Religion* show a faint reminiscence of the traditional Christian and Jewish liturgies; as a rule, however, the rather florid phraseology is the author's own. Typical is the priest's prayer at the ceremony of appellation, or naming the child: "May the Almighty Great Creator, the artist of that most noble and mysterious faculty, by which we are endowed to propagate our species; the author of those high refined rapturous sensations which bind parents to the care of their offspring; who causeth his divine providence to shield the young and helpless, and that we may be distinguished by different appellations, may he be pleased that the infant, now about receiving its appellation, may grow up and walk in the path of honor and truth."

The author is apparently very careful to avoid the adoption

■ PAJHS, VI (1897) 155.

of any rite or ceremony that is specifically Jewish or Christian; thus there is no intimation of baptism or circumcision.

Hart does not concern himself about one fixed day of rest to be observed by all. Evidently, he has a society in mind which is to include Jews, Christians, and Moslems. It was immaterial, he said, which day of the week is selected for rest — Friday, Saturday or Sunday — as long as one abstains all day from unnecessary work and devotes it to thanksgiving, reading, exercise, and virtuous actions.

The morning service of the Day of Rest gives us a good concept of the ritual of this deistic religion. The ceremony begins at 9:00 in the morning with a hymn sung by a group of young women. Then the priest or director of the service prays for the welfare of land and king, for the sailors at sea, for the sick, for the privilege of rest, for divine favor, for protection against violence, for the gift of health, the light of truth, for literature, the arts, the sciences, and for the professions which adorn and honor our lives. The aid of the Almighty Creator is then invoked to help every individual to flee with abhorrence from the commission of crime. Sex crimes and crimes of violence are evidently very distressing to the author and very much on his mind, for more than once throughout his liturgy he refers to them as great evils to be zealously avoided and shunned. These prayers are followed by a vocal solo, the repetition of his "decatalogue," and then by a hymn sung by a number of young male voices. While this last song is being sung, alms are collected for the poor by a young man and woman. Then follows the sermon. That sermon is followed by "any private ceremony or prayer," an additional oration by any young person who may feel the urge to speak, and finally, the concluding anthem. Afternoon services on the Day of Rest and the holydays are optional.

The first of the three major holydays is the Spring Festival observed on the first Wednesday of the Sowing Moon (April or May). This is called the First Moon. The second holyday is styled the Harvest Festival and is to be celebrated on the first Wednesday of the Harvest Moon (August or September). The third and final holyday is called the Winter Festival and is observed on the first Wednesday of the Ninth Moon (December).

The liturgy of these three holydays follows, in general, the pattern established for the Day of Rest. The theme of the first is a rhapsodic apostrophe to "the High Almighty Great Creator and the matchless artisan" who manifests Himself in spring agriculture. The reference to the Creator in the spring as an "artisan" and as an "architect" in the golden harvest reflects the Masonic terminology which many of the eighteenth century deists employ. Moses Hart's father, Aaron, had been a member of the Masonic Trinity Lodge No. 4, in New York, in 1760, before he came to Canada. No doubt his sons were also members of Canadian Masonic lodges.⁹

The officiants at the spring service are young boys and girls who sing the songs, collect the alms, and deliver an oration, in addition to the one usually made by the clergyman. One of the high points of this service is the grand spring procession during which the young participants carry typical emblems of the season and scatter flowers and perfumes while the priest bears aloft a small tree in bud. The youthful singers are garbed in uniform attire.

The theme of the second festival is the harvest; the chief officiants are mature men and married women who have borne children. The Creator's bounteous providence is reflected in nature and in the boundless favors He bestows on mankind, and even though this providence manifests itself in reward and punishment in this life, we may also assume, says Hart, that those favors which are to be our lot in a future life will be but as a grain of sand compared to those which we at present enjoy. The symbolism of spring and budding youth in the first festival is continued in this holyday dedicated to ripeness and maturity. In this grand procession, emblems of the harvest are carried and married men and women strew flowers and perfumes, while the priest offers to the view of all a small branch or vine with fruit.

The third or Grand Winter festival, to be observed in December, is dedicated to the old men and women, the imitators of the divine attributes of justice, mercy, truth, charity, order, and

⁹ *PAJHS*, XIX (1910), 28.

benevolence. Even as there is no cruelty or malevolence in the Almighty Bountiful Creator, so must we "fly with horror and detestation from the commission of crimes toward our fellow creatures." In the Grand Winter procession, the emblems of winter, of trades and commerce, and of the arts and sciences are carried about the temple to an obligato of vocal and instrumental music, while the old men and women strew perfumes and decayed leaves.

As a good deist, Moses Hart had to cope with the problem of the efficacy of prayer in the various occasional blessings and petitions that now follow in his liturgical system. Does the Almighty change the order of nature when we appeal to Him during periods of great danger and impending calamity? The answer, of course, is that the Almighty Creator does not work through miracles. In his advertisement Hart stresses the fact that his religion "contains no flattering miracles to gratify the ear of the credulous." The Almighty Supreme Creator effects his purpose by causing the sick and the troubled to pursue such rational means which will tend to relieve and help them in their distress.

Hart's book, published only four years after the fighting had come to an end in Canada in 1814, reflects the horror of war and the need for peace. Services are to be held daily in the places of public worship as long as the war lasts. In these supplications the people are warned not to wage war except in defense of their rights and liberties, and only after every attempt to obtain satisfaction by negotiation has failed. They are enjoined to evade war by every honorable means, to distinguish themselves by mercy to the unarmed, women, children, and prisoners, and to pledge themselves to a reasonable peace. Daily collections are to be made for those who have suffered in the conflict, and in the ceremonial procession men are to march about carrying emblems of the evils of war. Heroism is to be lauded and the conspicuous defenders of their land are to precede or to follow the priest under a canopy supported by young females in mourning.

When peace is finally declared a grand celebration is to take place in every temple, with hymns sung by young women dressed

in white and with uniform wreaths of peace. In his thanksgiving from the pulpit or altar the priest is to invoke the "benign and bountiful Creator . . . who cementeth nations together in the bonds of intercourse and esteem," who has caused "the calamities of war to cease," and who is responsible "for the smiling canopy of peace, which spreadeth gladness throughout our land, renovating the arts, sciences, agriculture, and trade."

If marriage is the beginning of life bringing with it children, death is the end: the funeral services complete the liturgy, although the author does digress for a moment to suggest that the state may date the year from its foundation, or from the foundation of its government.

At the interment the priest recites a series of brief prayers all centering around the theme that death is necessary in order to make room for those who follow. Hart had evidently read and approved of Malthus' *Essay on the Principle of Population*. Our author is nothing if not a thorough rationalist and would-be scientist, but he does temper this rather unhappy, if not prosaic reason for dying by voicing the promise of "new life in some other hemisphere" where endued "with other intellects" man will be able to gratify and complete his "adoration, acknowledgments, and thanks" to the "holy and sovereign Creator of worlds."

The requirements for mourning are rather severe: no person who has lost a father or mother is to speak audibly for four weeks after death. There is a descending scale of silence for lesser relatives which reaches its bottom in the cousin who merits but two days of this silent treatment. The mourner is not to feast nor "to drink any spirit, or juice of any grain or fruit, unless permitted by a doctor of physic."

These forty-seven pages of liturgy, described here, are but one-third of the material that is to be prepared. This is only the moral part of the ceremony, the poetical and musical parts, which are to be optional, are not as yet completed, we are informed.

We are interested in the description of the ideas and of the structure of this new religious system; we are even more interested in determining the sources and patterns which influenced it.

Is it possible that this is the first attempt to create a Reform Jewish "church" on this continent? The initial efforts to establish reforms in the Jewish synagogal system in North America were made in Charleston, South Carolina, in 1824, six years after the appearance of *Modern Religion*. There is nothing Jewish about the Hart religion; the Charlestonians, on the other hand, stayed well within the periphery of traditional Judaism in their original "memorial" and merely asked for minor changes, such as the introduction of the vernacular and the English sermon, the elimination of repetitious prayers — which Hart also recommends — the shortening of the services, and the emphasis on understanding what one prayed . . . "in fine, we wish to worship God, not as *slaves of bigotry and priestcraft*, but as the enlightened descendants of that chosen race, whose blessings have been scattered throughout the land of Abraham, Isaac, and Jacob."¹⁰ Hart and the South Carolinians have very little in common, theologically and liturgically speaking. They both share and enjoy common deistic prejudices, and it is by no means improbable that the appearance of Hart's pamphlet may have stimulated them to begin their modest reforms.

The Charlestonians of 1824¹¹ admitted that they were influenced by "the reformation which has been recently adopted by our brethren in Holland, Germany and Prussia." Is it possible that Hart and the Charlestonians were both influenced by the recent Jewish Reformation in the Germanic lands? The Hamburg Jews had promulgated their reforms in 1818, the very year that Hart's book appeared, but here, too, there is no evidence of similarity or spiritual influence. The deviations from orthodox Judaism in Hamburg in 1818 are minor and inconsequential: introduction of the vernacular, use of the organ, more decorum, etc. The changes are primarily aesthetic. The orthodox fundamentalist theology remained unchanged except for a tendency to deny the hope for the coming of a personal Messiah. Behind the Hamburg Reformers of 1818 stood the example and

¹⁰ L. C. Moïse, *Biography of Isaac Harby, with an account of The Reformed Society of Israelites of Charleston, S.C., 1824-1833*, p. 59.

¹¹ Moïse, p. 58.

the teachings of the Westphalian banker, Israel Jacobson (1768-1828), who was the founder of the Reform Movement in Judaism. He, too, was not the spiritual father of Hart's new system. Jacobson's modest changes were solely aesthetic and expressed themselves also in the eagerness for decorum and the introduction of the vernacular into the first "temple" which he built in 1810.

Closely associated with Jacobson, however, was his friend David Friedländer, who achieved a great deal of notoriety in 1799 through his anonymous *Sendschreiben an Seine Hochwürden Herrn Oberconsistorialrath und Probst Teller zu Berlin von einigen Hausvätern jüdischer Religion*. In this "epistle" to Teller, a distinguished Protestant churchman, Friedländer, apparently speaking for a small group of cultured Berlin Jews, proposed that he would embrace Protestantism under certain conditions. These conditions are practically a demand that Protestantism become a deistic faith in which the belief in Jesus as the Son of God would play no part. Protestantism was to become a system of "eternal verities," as a religion which did not offend "reason" and "morals." This new Protestantism was to be founded on five basic principles: (1) belief in one God, the creator of the world; (2) the soul of man is incorporeal and is capable of infinite growth; (3) the destiny of man here below is to strive for higher perfection, to further the happiness of all, and thus attain it for himself; (4) the soul of man is immortal; (5) reason is given man to further himself; punishment is the resultant violation of reason.

As far as basic principles and ideals are concerned, Hart and Friedländer have much in common. Both were prepared to reject traditional Judaism. Friedländer (p. 8) denounced historical Judaism as an irrational faith which was not to be confused with the original Hebraic religion. Hart, too (last page), believed that the original Mosaic faith was deistic but that the present "Mosaic" works were a late — and presumably corrupt — compilation by Ezra on the basis of contemporary oral traditions. Both are, obviously, thoroughgoing deists; their theology revolves around the typical eighteenth century concepts of a unitarian God, immortality, reward and punishment as a rational mundane procedure, the perfectibility of man,

the sovereignty of reason and morals, and the inestimable value of education.

Friedländer had no new system, no liturgy to offer, at least he published none. We have no evidence that Hart had ever seen or read the 1799 "epistle" of Friedländer. It is true that their fundamental concepts of natural religion are alike, but Hart could have acquired these same principles from any and all deistic writers and thinkers of his day. It would be far more probable to assume that Hart, a subject of Great Britain, would turn to the English deists for his religious patterns.

Our search in England, however, for a more direct source of the Hart system does not carry us much farther. It merely confirms what we already know and that is that he is a typical deist. Hart would certainly have been willing to accept the five "innate principles" of Lord Herbert of Cherbury, the father of English deism. He would certainly have been willing to go along with the English rationalists of the eighteenth century, who emphasized the strong relation between religion and morality, the eternity of the moral law, the basic oneness of all religious ideals, the rejection of miracles and of irrational revelation, and the ultimate appeal to reason.

The English and other eighteenth century deists held fast to the conviction that these principles and ideas which we have just mentioned are held in common by intelligent people, that all "modern" people are prepared to reject the "superstitions" of the historic churches and creeds. It follows from these common beliefs and from the common hope for a moral and ethical order that men should unite to attain their goals. This hope expressed itself, particularly in early eighteenth century England, in the flowering of the Masonic movement and its liturgy, a movement and a ritual with which Hart was, as we have seen, probably well acquainted.

A non-Masonic effort in the same direction in contemporary England (1720) was documented in the *Pantheisticon, sive Formula celebrandae Sodalitatis Socraticae* of John Toland.¹²

¹² I have used Ludwig Fench's German translation of the *Pantheisticon: Das Pantheistikon des John Toland*, Leipzig, 1897, for want of an available copy of the original.

This English deist had hopes of creating a Socratic Society for which the *Pantheisticon* was to serve as a liturgy. It is a liturgy of a sort, yet this work has little if anything in common with *Modern Religion*. The atmosphere is Socratic or Hellenistic and is modelled on the Platonic dialogues, particularly the *Symposium*. The whole approach is philosophic, not theological. Horation odes are sung, reason is glorified, superstition is denounced, death is rationalized. There are no reminiscences of the standard forms common to the Jewish and Christian religion. It is a very popular, simple, philosophic ritual that sets out deliberately to ignore the liturgical background of the great historic religions of the European world. When all the illustrious worthies of the past are invoked, from Solomon to Hypatia, Moses and Jesus are pointedly omitted. There is very little, even in content, which Hart could have borrowed from this work of Toland, certainly nothing of form. In the latter part of the century the quondam English preacher, David Williams, opened a deistic church in London, and, with Basedow of Dessau, became one of the precursors of the French theophilanthropist movement which we shall soon discuss. The French theophilanthropists, in turn, found enthusiastic followers in the English Friends of Morality in the last decade of the same century. It is by no means improbable that Moses Hart may have been influenced by this English manifestation of an original French deistic movement. However, before we attempt to make a decision it may be advisable to determine if he was exposed to some North American manifestation of French or English deism, and it is to colonial America that we now turn.

Because of the religious radicalism of present day Unitarianism the student is tempted to seek for some influence of early Unitarianism, particularly American Unitarianism, upon the thinking of Moses Hart. This would be a gross error. Outside of their concept of God the Unitarians of the late eighteenth and early nineteenth century were poles apart from the teachings of *Modern Religion*. The Unitarian leaders of Hart's time were comfortably ensconced behind the wall of a traditional Christian theology. They had rejected the divinity of Jesus but

the conservative theology and the authority of the Bible still remained. The cultured and wealthy Bostonians and their immediate neighbors, who were now the core of the new, evolving anti-trinitarian church, would never have accepted the deistic religion of *Modern Religion*, completely divorced as it was from the historic Christian faith. Joseph Priestley, whose works were probably not unknown to Moses Hart, would have been regarded by the latter as a rather conservative Christian, theologically, at least. It is true that Priestley wrote against war (1769 and 1774) and attacked the slave trade (1788), and it may be that Hart in his attitude toward these institutions was influenced by Priestley's writings. It is just as probable that both men were influenced by the growing enlightenment and the social humanitarianism of the century which gave them birth. Hart could not have been unaware of the fact that it was the French National Convention that abolished negro slavery in the French colonies on February 4, 1794.¹³

If we are to lay bare the roots of Hart's *Modern Religion* we shall have to look farther to the left than Priestley and his friends. The heart of that "left" was reflected in the work and the influence of Elihu Palmer (d. 1806), a deistic preacher and organizer.

In 1794, under the influence of French political and religious radicalism, Elihu Palmer, a former Christian minister, established in New York City a Deistical Society which had certain "church" qualities. There was apparently no liturgy but there was preaching every Sunday night. Following the example of the New York City fellowship, a somewhat similar one was organized by anti-Christian Masons in Newburgh, New York. They called themselves, The Society of Ancient Druids. This was in the late '90s, for Palmer was preaching or lecturing to them in 1799. By 1801 there was a deistic society in Philadelphia calling itself the Theophilanthropists — the lovers of God and man — after a similar organization of that name which flourished

¹³ See Joseph Henry Allen and Richard Eddy, *A History of the Unitarians and the Universalists in the United States*, New York, 1894; G. Adolf Koch, *Republican Religion*, New York, 1933, p. 295.

in the days of the French Revolution. This Philadelphia group attempted to build or buy a hall which was to be "not a house of prayer nor a house of any sort of ceremony." It was to be "a house of Reason and the one God is to be the sole object of mental worship and veneration in it." This was in 1801. During the weekdays — when there was no lecture — this building was to be used for the instruction of the youth, primarily in mathematics. This Philadelphia organization was more of a society than a "church." Its meetings, except for its public lecture, were held in secret. The members, like the Masons and the European Illuminati, were divided into grades; the discussions were philosophic rather than religious. A similar group with the same name — the Theophilanthropists — was established about the same time in Baltimore, and probably in other cities, too. Palmer's influence was felt through the deistic magazines which he helped establish: *The Temple of Reason* appeared from 1801 to 1803, in New York and Philadelphia; *The Prospect: or, View of the Moral World* appeared in New York from 1803 to 1805.

Tom Paine, who had written his famous deistic and anti-Christian *The Age of Reason*, in 1794, finally came back to the United States in 1802 and gave this deistic church movement a new impetus. He was an active member of the New York Deistical Society of 1804 and cherished the hope that it would some day develop into a Deistic Church. This hope was not realized, but the year after his death the declining deists summoned their strength and in 1810 began publishing *The Theophilanthropist*. This was to be a deistic monthly "containing critical, moral, theological and literary essays." It is curious that the publisher, though not the "proprietor" of the magazine, was Henry Hart of 117 Chatham Street, New York, a New York Jewish (?) deist who could well have been related to the Canadian Harts. It is very likely that *Modern Religion* itself was published in New York by this same Henry Hart.

Moses Hart had something in common with the Deistic Church of Palmer and Paine. This latter group was organized into a fixed society; they had preaching and a hall; only the liturgy is absent. Palmer and Paine fought political oppression

and religious bigotry. Both men were opposed to the traditional theology of organized Christianity; both were strongly influenced by the teachings and practices of the French Revolution. Hart, too, asked for political liberty, although much more circumspectly. He was not of the stuff of which heroes are made. He had something to lose, too. He was a wealthy man. He made no attacks on Christian or Jewish orthodoxy; he merely ignored both faiths in his liturgical system. They do not even exist for him in the body of his work, and in his advertisement he implies that both the Old and the New Testament deserve no credence because the former — in its present form — was not written by Moses, as commonly stated, and as for the latter: "We are ignorant whether they (the Evangels) wrote by inspiration, hearsay, or ocular demonstration: at what period they flourished, of what country they were, or even the language they wrote in." It is obvious that Hart, like Palmer and his rationalist friends, will have no truck with "religious superstition," the greatest bar to education and universal progress.

Like Priestly, *The Temple of Reason* fought for the unmarried mother; *The Theophilanthropist* opposed war. Hart, too, as we have seen, was concerned over these two social ills.

It is not too far-fetched to assume that Moses Hart followed the Palmer and Paine deistic church movement from its rise, in 1794, in the wake of the French Revolution, to its decline in 1811, when *The Theophilanthropist* suspended publication. He was a frequent visitor to the States. No doubt he attempted to profit by the errors and mistakes of the New York crowd. His own statement of beliefs shows no dependence on the "Principles of the Deistical Society of the State of New York." The failure of the American movement in 1811 was certainly obvious to him when, seven years later, he published his *Modern Religion*. Apparently he was prepared to develop his own system, independent of the haranguing deistic evangelism of Palmer and Paine.¹⁴

¹⁴ For the American deistic movement, see Koch, *Republican Religion*, and Herbert M. Morais, *Deism in Eighteenth Century America*, New York, 1934.

There is still one major source of influence on Hart which we have not discussed and this is the religious counterpart of the French Revolution. The address of Robespierre on the Supreme Being, delivered on June 8, 1794, (20th Prairial) was reported in American newspapers; an address of another leader, made in the Temple of Reason in France, in the second year of the Republic, was reported in *The Theophilanthropist*. There can be no question that Hart must have known of these radical religious changes in France. All the papers were full of them; he lived in a French-Canadian environment; he was well acquainted with the French language, and he may even have had contacts with some of those French priests who had fled to Canada. It may be no fortuitous circumstances that the distinguished French revolutionist, Bishop Grégoire, wrote a short article for the reformist German-Jewish periodical, *Sulamith*, III, 2 (1811), 426-427, excerpting the material on the Hart family of Canada from the work of John Lambert, *Travels through Lower Canada*. Does this not imply that Grégoire may have been in correspondence with Moses Hart or one of his brothers? A further analysis of *Modern Religion*, however, will disclose to what extent it was influenced by the religious revolution which accompanied the political upheaval in France after 1789.

The leaders of the French Revolution, particularly during the period from 1793 to 1802 — approximately the time when Elihu Palmer was most active in the United States — were determined to destroy the old state church, Catholicism, and to set up a new religion which would strengthen the state and help it attain its revolutionary goals. The leaders stumbled about in this attempt but never lost sight of their real aims. During the days of the Cult of Reason (from about November 1793 to about June, 1794) Reason was deified; in the spring and summer of 1794, the Cult of the Supreme Being was established by Robespierre and was continued even after his execution, in July. In actual practice — certainly in the minds of many — there was little distinction between the two cults; they merged into one another. What is important is the fact that in these systems — until their abolition by Napoleon in 1802 — the attempt was made to create a new religion with its own holydays, martyrs,

liturgies, hymnologies, and the like. We shall attempt to show that it was this cult and its liturgy, rather than its English and American counterparts, that most directly influenced Moses Hart and his *Modern Religion*.

Robespierre, who was very much interested in establishing a rational religion built on the teachings of Rousseau that would further devotion to France, felt that it was imperative to encourage belief in a beneficent Supreme Being, in the life to come, in reward and punishment for the just and the wicked, and in the sanctity of the social contract and its laws.¹⁵ On May 7, 1794 (18 Floréal, Year II) a decree was therefore passed which was to establish this new religion on a firm foundation. The theology of the French people, we are told, is the recognition of the existence of the Supreme Being and the immortality of the soul. This Divinity is to be worshipped through the practice of the duties of man. These duties lie in the attempt to help the unfortunate and the oppressed, in crushing tyranny and injustice, and in the effort "to do to others all the good that is possible." To manifest their devotion to this theology and to these ideals the French are called upon to celebrate festivals in honor of the Supreme Being and of the dignity of man. Four major festivals are to be observed; thirty-six additional festivals — one every tenth day of the new thirty day month — are to be instituted commemorating the virtues of humanity and the gifts of nature.¹⁶

Like Voltaire, Robespierre believed that all these civic-religious ideals were of great social and moral value, but would not receive mass acceptance unless they were clothed in an attractive liturgical garb. The more appealing and aesthetic this religion was, the better it could cope with and ultimately supplant Catholicism. To accomplish this purpose Robespierre, we may assume, was prepared to encourage the use and spread of an official liturgical ceremonial. Even before his death these civic-religious rituals were already in use. After his fall in July, 1794,

¹⁵ See *The Social Contract* of J. J. Rousseau, Book IV, Chapter VIII, Civil Religion.

¹⁶ For the Decree for Establishing the Worship of the Supreme Being, see F. M. Anderson, *The Constitutions . . . of the History of France, 1789-1901*, Minneapolis, 1904, p. 137.

the spread of the new religion went on apace. His death brought no slackening of his religious hopes. There were services for the celebration of the recurring tenth day (*décadi*) which was to supplant the Saturday or Sunday day of rest. In some places the people venerated the great historic martyrs of the past and the present — Brutus, Marat, etc. — instead of the saints. Many important events of life, formerly associated with Catholicism, such as marriages and burials, were now observed with a secular ceremonial. The devotees of the new state cult stressed the significance of the decadary festivals which they believed would win the hearts of the people away from the established forms of Christianity, through dances, patriotic songs, and moral instruction.

The efforts of Robespierre and his successors to establish a ceremonial patriotic religion devoted to the interests of the state were furthered by the rise in 1796 of the semi-official Theophilanthropists. This was a society that was closely related in content and form to the state cult of Robespierre and to the decadary festivals of the Directory. It rejected all creeds, dogmas, and forms of supernatural revelation — some of its members were atheists. Many others, like Tom Paine, were deists. Its followers gathered for worship in homes and in temples to pursue their moral teachings. When it reached the zenith of its influence in the fall of 1798, it held services in practically all the churches of Paris. Its ceremonial was reduced to a minimum; its shrines and altars were adorned with the product of field and garden. Like the devotees of the national cult, the Theophilanthropists had their hymns and addresses, and discoursed on the virtues of a Washington, Socrates, or Rousseau. Napoleon practically destroyed the waning cult in 1801 by refusing to permit it to use the churches and other public buildings for its services, but it still managed to drag out an obscure existence for a few more years. This society, which had its imitators in Germany, England, Italy and the United States, was founded by a bookseller named Chemin-Dupontès, who enjoyed the support of La Revellière-Lépeaux, a member of the Directory. Chemin's *Manuel* was sent into the provinces by the government and the catechism of the Theophilanthropists was accorded official approval. But

it remained the private religious society of a limited number of intellectuals never becoming a state cult.

This, in brief, was the French Revolutionary background that must have impressed itself on Moses Hart. The points of correspondence between *Modern Religion* and these civic cults are numerous and it is safe to conjecture that this whole development was known to him. In all probability he had before him one or several of the local civic religious manuals of the state cult and the Theophilanthropists when he composed his own work.

In the decree of 18 Floréal, Year II, Robespierre had declared that "the worship of the Supreme Being is the practice of the duties of man." Hart's basic principles are conceived of as "duties obligatory." Tucked away back in Hart's mind is the ideal of the French Temple of Reason, and this creeps forth almost unconsciously when he describes the place of worship as the "temple."

Participants in the French national festivals were sometimes asked to take the oath (*serment*) of loyalty to the revolution; Hart prescribed a sacred installation oath for his devotees. French legislation attempted to make the *décadi* a real Day of Rest. People were compelled to be present at the meetings and were forbidden to work or even to secure food in public places while the addresses were being delivered. Hart also asked for a complete cessation from unnecessary work on his Day of Rest.

The themes of youth, manhood, and old age were the occasion for three separate *décadi* festivals in the decree of the 18th Floréal, Year II. At the time of the Directory some of the churches taken over by the State were called the Temple of Youth, Old Age, etc. Hart, too, dedicates his three great annual festivals to these same three stages of life, and like the *décadi* festivals these holydays are tied up with the corresponding seasons of spring, summer-autumn, and winter.

In the famous pageant of the Cult of Reason, on November 10, 1793 (20th Brumaire, Year II) and in the similar celebration of the Supreme Being on June 8, 1794 (20th Prairial, Year II) young women, dressed in white, marched in procession, carrying wreaths and singing hymns. In one of the ceremonial parades of the 20th Prairial, old men were shown on an ox cart, carrying

sheaves and vine stocks to represent agriculture, and a rule and square to symbolize the arts and industries. In other pageants women carried flowers; men boughs of oak. Similar ceremonials are prescribed in the three festivals of *Modern Religion*.

The state religion as conceived by the Directory, if not by Robespierre, was to offer a common meeting ground for the citizenry where all men could worship together on a common platform. The republican calendar with its tenth-day rest day and its Bastille Day and other celebrations did not directly conflict with the Saturday-Sunday day of rest and the traditional Judaeo-Christian festivals. One could thus follow both the state cult and Christianity, as many did. Observance of the decadary festivals did not, therefore, preclude loyalty to one's ancestral religion, although the State hoped that its national faith would ultimately displace the traditional historic churches. Robespierre wanted all sects to "mingle spontaneously in the universal religion of nature." Hart nourished somewhat similar hopes for his religion of nature and accordingly made provision for its observance by Jews, Christians, and Moslems. While he expected that his *Modern Religion* would be used exclusively by a specific group of Jews and deists, he also hoped that it would be followed by all religious groups, albeit separately, in their own respective synagogues, churches, and mosques. His three Grand Festivals, therefore, were set on Wednesdays, and the calendar for these days — which he appends to the liturgy — was, in all likelihood, so arranged as to provide a minimum of conflict with the traditional Jewish and Christian holydays.

The whole atmosphere of Hart's religion was akin to that of the French cults of Reason and of the Supreme Being, and that of the decadary festivals. Like them it was very close to the State; Hart tells us the "legislature" has the power to compose and establish additional religious services. Like them, it is completely uncreedal in character. If it had any "orthodoxy" it is an emphasis on the eighteenth century "trinity" of God, immortality and ethics. Like the French, Hart did not advocate any theological change or modification of the established churches. He was not attempting a reform from within. *Modern Religion* was not part of an evolutionary development, such as

in those English and American churches of the late eighteenth and early nineteenth centuries, which were cautiously groping their way out of Calvinistic darkness into the dawn of a moderate liberalism. Hart, like the French, was a revolutionary. After making a perfunctory bow to the respectable concepts of God and immortality, he placed himself entirely outside the periphery of established theological thinking. He repudiated it. He attempted to create a new religion, a deistic one.¹⁷

The influence of the French Revolution is stamped on this booklet of Moses Hart, yet there are a number of marked differences which indicate that the author has consciously departed from the French civil religious system. In relation to the practices of the French state cult for the period from 1793 to 1802, Hart definitely veered to the right by returning to the traditional forms even though this was a return to externals alone. Why, we may ask, did Hart make these concessions, superficial though they may have been?

In 1818, when Hart published his work, the Metternich System of reaction and oppression was already in force. The ideals of the French Revolution, even in their diluted Napoleonic form, had been suppressed. In Canada the Hart brothers had experienced religious bigotry and political discrimination in a very personal fashion during the period from 1807 to 1812. Although Viscount Castlereagh, back in England, had officially sanctioned the action of Sir James Craig in dissolving the Assembly in the Hart affair, nevertheless, in a personal letter to the Governor, dated September, 1809, he pointed out that a Jew had no right to sit in Parliament.¹⁸ In the United States, deism as a church

¹⁷ For the history of religious development during the French Revolution, see F. A. Aulard, *Le Culte de la Raison et le Culte de L'Etre Suprême*, Paris, 1892; A. Aulard, *Christianity and the French Revolution*, Boston, 1927; Albert Mathiez, *The Fall of Robespierre*, New York, 1927, pp. 84-118; Albert Mathiez, *After Robespierre*, New York, 1931, pp. 137-155; Georgia Robison, *Revelliere-Lepeaux Citizen Director 1753-1824*, New York, 1938, pp. 161-195; Pierre de la Gorce, *Histoire Religieuse de la Révolution Française*, Paris, 1924, IV, 269 ff.; Albert Mathiez, *La Théophilanthropie et le Culte Décadaire 1796-1801*, Paris, 1904; Julien Tiersot, *Les Fêtes et les Chants de la Révolution Française*, Paris, 1908.

¹⁸ Quoted in Rhinewine, p. 64.

had died a mute, anemic death, in 1811. Protestantism had developed no great liberal church; Channing's Unitarianism — a relatively conservative faith, at best — was not to burgeon forth till 1819. Canada was strongly Catholic and conservative.

Hart, obviously devoted to the promulgation of deism, believed strongly that the times required a liberal religious faith, but realized that the somewhat reactionary age would not tolerate marked deviations. It would certainly not be expedient to transfer the deistic state cult of France bodily to the atmosphere of a Catholic Quebec or to a religiously cautious and evangelically stirred United States. He resorted, therefore, to compromise. To be sure, he made no compromise in the rationalistic nature of his *Modern Religion*. It was markedly unchristian and unjewish. There is no mention in the text, no intimation of an Old or a New Testament. The traditional Bible was ignored. The Creator was there, in a colorless fashion. (But even though he is described by a variety of attributes and synonyms, the careful Hart never once refers to him *à la Robespierre* as the Supreme Being.) There was a flabby immortality and a materialistic concept of reward and punishment here in this life. There was no burning fire of fervor or mystic faith in the author of *Modern Religion*. He was spiritually cold; he was superficially intellectualistic. There was no deep philosophic insight in him or his ritual. He was a typical eighteenth century deist, not a prophet. Unlike the French revolutionaries, however, his cult had a priest and ministers, and a hierarchy of a sort. The French revolutionaries had attempted to create a civic, national cult; he was seeking to create a universal religion. The French, fearful of the hostile intentions of their neighbors, were trying to foster a patriotic cult; Hart, living a few years after a war of invasion, was interested in establishing a religion of peace. The occasional prayers, the structure of the service, the calendation with its seven-day week, all this shows a departure, for the most part, from the French revolutionary cults and a dependence on the Jewish and Christian books of common prayer and on the traditional Judaeo-Christian liturgical system. The three major holidays which he prescribed are, roughly speaking, chronologically close to Easter-Passover, to the Jewish High Holydays and the

Feast of Ingathering, and to Christmas-Hanukkah (The Feast of Lights).

Did Hart really entertain the thought that the Catholics and Protestants and Jews of Great Britain, Canada and of the United States would take his manual seriously? Was it a mere literary whim . . . which he decided to publish? If we may take him at his word in his advertisement, he intended this "ceremonial religion, founded on natural principles" for Jews and deists alone. Evidently, he believed that the Jews of the United States and Canada — there were only about 3,000 of them — were culturally ripe for his advanced religious system. Many of them, like his brother Ezekiel, who did not scruple to take the Christian oath, had no doubt assimilated themselves radically to their non-Jewish environment. Hannah Adams, a contemporary writer, points out: "It appears from authentic accounts, that many Jews at the present day have imbibed the principles of infidelity, and no longer receive the writings of the Old Testament as divinely inspired, or expect the coming of the Messiah."¹⁹ Yet it is curious that Moses still remained an occasional contributor to the Spanish-Jewish congregation, Shearith Israel of New York during this period.²⁰ His aid to this mother synagogue of American Jewry, however, may merely have been motivated by loyalty to the memory and wishes of his late father. He never surrendered his liberal views. This is confirmed by a letter, dated April 12, 1830, which his son Areli Blake sent from a France once more in the throes of revolution: "You can tell the Governor and Uncle Ezekiel that France is the land of political and religious freedom; all the French are Deists; the shops are opened the same as another day of a Sunday. The women sawing at the window of a Sunday. The revolution and Voltaire has destroyed the Christian religion in this country . . ."²¹ Nine years later, May 10, 1839, Moses wrote to the Canadian authorities asking for financial aid in the establishment of an academy "for the education of the youth of both

¹⁹ *Historia Judaica*, VIII (1946), 131.

²⁰ *PAJHS*, XXVII (1920), 78.

²¹ Douville, *Aaron Hart*, p. 191.

sexes. . . . I do not mean that children should be divested of religious instruction," he added in this letter," for this could be given them at some other place as their parents might think proper, but to make the Academy encourage every sect no particular prayer should be used, so that virtue and respect for the Great Creator would be inculcated."²²

Nowhere in this liturgy, it is true, does Hart specifically ask the older faiths to scrap their systems; he does not even ask for a joint observance, yet he does offer a common ritual to be followed by the different faiths in their respective houses of worship. This ritual might well be accepted by all of them, so he thought, because he had sedulously avoided all historically motivated holydays and had proposed only mutually acceptable festivals of nature. Obviously, he is appealing to all religious groups, not merely to Jews and deists. Moreover, in his Preface, he does hold forth the hope that he might "tranquillize the jarring religionists under one banner. . . . (and) harmonize the religious contentions of mankind." He probably nursed the hope — like his French forerunners — that his system would attract Christian and other orthodox religionists and ultimately supplant Christianity.

Yet there is apparently no evidence or tradition that he attempted seriously to implement his plan. Perhaps the "timing" was bad. Deism was dead, had been dead for almost a generation . . . but did Hart realize it? This work — if it has any importance — is significant as evidence of the penetrating influence of deism, eighteenth century liberalism, and the French Revolution in the life of an individual Jew who lived in a quiet Canadian town. It is an evidence of the diffusion and spread of the sentiments of anti-war and anti-slavery in the life of this man. It is a demonstration that in an age of expanding religious orthodoxy, individuals still nourished the hope of a universal rational faith. He saw the salvation of mankind in a common assimilation to common ideals. And it is fair to assume that he was not alone in the religious aspirations that he cherished.

²² Quoted from Canadian records in *The American Israelite*, June 14, 1917, p. 4.

But let there be no mistake: he was no unsung precursor of the American Reform Movement in Judaism. Like the emerging Unitarians in the United States, the Reformers who first appeared in Charleston, S. C., in 1824 wanted to reform customs and to modify their creed, but they were equally determined to remain well within the field of traditional theology and well inside the magic circle of the ancestral faith. They were not revolutionists; they were not "assimilationists." Hart was.

ADDENDUM

Since the above has been written the writer has had the opportunity to consult the Hart manuscripts in the Seminary of St. Joseph in Three Rivers, Canada, and takes this opportunity to thank the archivist, Abbé Tessier, for his courtesy in making this material available to him.

Investigation of the Moses Hart papers shows that as early as December 11, 1794, Moses Hart was experimenting with a type of radical prayer or a prayer manual. In 1815 he published *General Universal Religion*, By, New York, printed for the author, 1815. This is practically identical with the 1818 edition of *Modern Religion* except for pages 20-21 in the 1815 edition which makes provision for half-marriages and half-wives and the legitimization of children resulting from such unions. This material was omitted in the 1818 edition. The ceremony for this type of semi-marriage is also given in the 1815 edition. The 1815 edition, like that of 1818, contains 58 pages of text. The printers in 1815 were Van Winkle and Wiley. *Modern Religion* was reprinted by Johnstone and Van Norden in New York in 1824. The Three Rivers records also disclosed that Moses Hart made a systematic effort — at least during the period 1816-1826 — to establish his religion in Canada, the United States, and particularly in the state of Vermont, the home of that known religious radical, Ethan Allan. As late as 1825, Hart was in close touch with the associates and followers of Tom Paine.

The writer of this essay has also recently had the opportunity of examining copies of various French catechisms and manuals issued by French religious radicals during the period of the French Revolution. The writer is more than ever convinced that Moses Hart was influenced by the religious trends of the French Revolution and by the attempts of J. B. Chemin and other Theophilanthropists to offer "natural religious" prayers that would substitute for the Christian liturgy. However, the actual wording of the prayers in *Modern Religion* (and *General Universal Religion*) are apparently original with Moses Hart.

The Three Rivers archives also included a ms. anti-Catholic polemic by Moses Hart.

AN AMERICAN-JEWISH VIEW OF THE EVOLUTION CONTROVERSY

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I

DURING the second half of the nineteenth century, even before the publication in 1859 of Darwin's *Origin of Species*, the central controversy in American intellectual life concerned the acceptance of the developmental hypothesis, the so-called "evolutionary theory." Evolutionary ideas existed long before Darwin, Wallace, Huxley, and Spencer in England, Le Conte, Gray, Wright, and Fiske in America became the storm-centers of the thinking world.¹ Geological estimates of the age of our planet far exceeding the few thousand years allowed by students of Biblical chronology had become the commonplace currency of scientists.² The science of palaeontology was still in its infancy, but discoveries had been made of fossil remains which indicated the need for some type of developmental explanation of the origins of species.³ Benjamin Franklin and Thomas Jefferson had both presented papers on fossil remains to the American Philosophical Society during the eighteenth century. During the decade 1850-60 various points of view on the development of species were presented as an incident of the controversy over slavery.⁴

It was not, however, until after the publication of the *Origin of Species* that the controversy over evolution reached full fury;

¹ In America, evolutionary statements can be found in such an early work as Samuel Stanhope Smith, *An Essay on the Causes of the Variety of Complexion and Figure in the Human Species* (Philadelphia, 1787). Such ideas had sufficiently diffused to be utilized by Joel Barlow in his *Columbiad* (Philadelphia, 1807). Both Smith and Barlow followed the mutation theory of Lamarck.

² Sir Charles Lyell's *Principles of Geology* was published 1830-33.

³ See Philip Shorr, "The Genesis of Prehistorical Research," in *Isis*, XXIII (1935), 425-443. Emerson, in his essay on "Culture," made use of the information he had gained from students of fossils.

⁴ See, for example, Nott and Glidden, *Types of Mankind* (Philadelphia, 1854) and the reply of Cabell, *The Unity of Mankind* (New York, 1859).

the further publication, in 1871, of Darwin's *Descent of Man* added fuel to the blazing fire. Scientists accepting the principle of development differed with each other on the acceptance of Darwinism. Dogmatic theologians of the Christian faith rejected or accepted Darwinism or any other form of evolutionism to the degree that they could absorb it into their religious systems. More philosophic minds among the Christian theologians tended to accept Darwinism if they were Calvinists, to accept Spencer's more optimistic statement in the non-materialistic form given it by Fiske if they were Unitarians.⁵ An era of bad feeling and name-calling began which involved people in every intellectual occupation and which cannot be said to have ended until after the Scopes "Monkey Trial" in Tennessee in 1925.⁶ In many communities, particularly in the South, academic freedom was forced to yield to Christian fundamentalism. James Woodrow, professor of natural science in the Theological Seminary at Columbia, South Carolina, maternal uncle of Woodrow Wilson, lost his position because of an address which he delivered to the Alumni Association of the Seminary in which he accepted the Darwinian theory of evolution, descent with modifications.⁷ Others shared his unfortunate experience. At the same time colleges all over the country found it expedient to create professorships of the harmony of religion and science, which were filled either by scientists whose religious background was impeccable or by ministers whose hobby was science.⁸

⁵ See B. J. Loewenberg's articles "Darwinism Comes to America, 1858-1900," *Mississippi Valley Historical Review*, XXVIII (Dec. 1941); "The Reaction of American Scientists to Darwinism," *American Historical Review*, XXXVIII (July, 1933); "The Controversy over Evolution in New England," *New England Quarterly*, VIII (1933), 232-57; Sidney Ratner's "Evolution and the Rise of the Scientific Spirit in America," *Philosophy of Science*, III (1936), 104-22; Merle Curti, *The Growth of American Thought* (New York, 1943), pp. 532-575; Daniel Day Williams, *The Andover Liberals* (New York, 1941). The treatment in Herbert W. Schneider's "The Influence of Darwin and Spencer on American Philosophical Theology," *Journal of the History of Ideas*, VI (1945), 3-18, is the best clarification of the impact of these two forms of evolutionary theory on Christian religious thought in America.

⁶ For an analysis of the issues in this trial see Walter Lippmann, *American Inquisitors* (New York, 1928).

⁷ James Woodrow, *Evolution* (Columbia, S. C., 1884).

⁸ George Frederick Wright, when minister at Andover, Mass., became

What was there in the Darwinian theory which occasioned this tremendous outburst of partisanship? Why were men and institutions which had been unconcerned about previous expressions of the developmental hypothesis such as Lamarck's theory of mutations, suddenly whipped into a frenzy of agitated controversy by the works of Darwin and his co-workers? Primarily the reason was that the researches of Darwin established *organic* evolution on a firm biological base and thus came directly into conflict with the doctrine of special creations expressed in the first chapter of Genesis. Further, Darwin's hypothesis, by setting forth an explanation of the differentiation of species in terms of natural law, tended to minimize the scope for miraculous Divine intervention in the governing of the world. Thus it reduced the omnipotent, omniscient, omnipresent personal God of the theological tradition to a remote First Cause, who set the universe in motion, and then left it severely alone, in the grip of a multitude of second causes. This was interpreted as atheism. "An absent God," said Charles Hodge of Princeton, "who does nothing is, to us, no God."⁹ Next, Darwinism seemed to discredit the popular design argument. Finally, Darwinism, by bolstering up the general evolutionary argument, cast serious doubts on the Scriptural accounts of creation and of miracles, on Biblical chronology, and on the position of man in the world. All in all, the Darwinian theory of evolution placed Christian theology in the least enviable position it had been in since the time of Copernicus's heliocentric theory. Small wonder that the reaction was hysterical!

II

In July, 1883, four young men were ordained as rabbis in the first such ceremony to take place under the auspices of an American-Jewish institution, the Hebrew Union College in Cincinnati. These

interested in geology because of a glacial outcropping in the back yard of his parsonage. He became one of America's outstanding geologists, an expert on glacial remains, and professor of the harmony of science and religion at Oberlin College.

⁹ Charles Hodge, *What is Darwinism?* (New York, 1874), p. 74.

were the first rabbis whose training was entirely American. They were the earliest members of an ever-increasing group to whom the intellectual life of America was by sympathy an open book. Even their revered teacher, the founder of the Hebrew Union College, Isaac Mayer Wise, who thought of himself as "a Jew in the synagogue, an American everywhere," viewed American ideas out of a European background, was a naturalized rather than a natural American.

One of the pioneer four, Rabbi Joseph Krauskopf, who served American Jewry with distinction until his death in 1924, accepted his first pulpit in Kansas City, Missouri.¹⁰ In the winter of 1886-87, Krauskopf delivered a series of popular lectures at his synagogue under the general title *Evolution and Judaism*. These lectures were published in 1887 by Berkowitz and Company of Kansas City. In this series of talks, the young rabbi expressed a definite and clear position with regard to evolution which it is the purpose of this article to analyze. Because of Krauskopf's background, which had been described above, the title given this article is appropriate, although by no means did all American Jews concur in Krauskopf's views.

In his "Preface" to the published lectures the young Rabbi indicated his purpose thus: "In the preparation of these lectures the author had but these ends in view: to bring the ponderous problems of Philosophy and Science, as influencing Religious Thought, within the easy comprehension of the average LAY-MAN, and to remove some of that skepticism which is engendered by a poorly understood science." He also indicated the continuity of his work with the trend which has been mentioned for the harmonizing of religion and science in this statement:

The author recognizes that science and religion are independent branches of thought, and that there is no necessary connection between them; but as the great mass of believers insists upon bringing certain primitive speculations of a purely

¹⁰ Details of Krauskopf's career may be found in the *Proceedings* of the Central Conference of American Rabbis for 1924. Some personal notes and reminiscences of the early days at Hebrew Union College are incorporated in David Philipson, *My Life as an American Jew* (Cincinnati, 1941), *passim*.

scientific nature within the horizon of religion, he felt the need of correcting, wherever necessary, the scientific data of Biblical ages by the more perfect conclusions of our times, that the ETERNALLY TRUE in religion may not suffer from a false setting.

Krauskopf's Preface is followed by a list of the principal authors consulted by him in preparing the lectures. The list is virtually a "Who's Who" of the evolution controversy in England and America. Among the American authors who are mentioned are Louis Agassiz, the Reverend Henry Ward Beecher, Edward Drinker Cope, the distinguished naturalist, James D. Dana, the geologist, John Fiske, Asa Gray, James McCosh, president of Princeton University, Simon Newcomb, the astronomer, and Alexander Winchell, the geologist and palaeontologist, whose works on the theory of pre-Adamite humanity attracted much attention. It is noteworthy that this list is heavily weighted on the side of science, but that the scientists were not all adherents of evolutionary theories. On the other hand, both the Christian divines, Beecher and McCosh, were evolutionists. A similar division of opinion is evident among the English writers named. The list in its fullness indicates that Krauskopf approached his topic open-mindedly and read widely all points of view on his subject.

The course started with a lecture on "The Dynamic and the Static Force of Religion." Krauskopf maintains that a balance of these two forces is necessary, that where either is too predominant, religion degenerates. Both forces have existed and been operative in religion from its earliest day.

From the very dawn of time, when man first began to think, when he first set his intellect to work to ferret out the origin of things, to peer through the veil of mystery, to postulate an adequate theory of creation and its Creator, and of man and his destiny, to formulate beliefs and articles of creed, down to this very day, the dynamic and the static forces have ever been active in the domains of religion; there have always been the progressive and the retarding forces, the force pushing forward and onward, and the force keeping in check, holding on, conservative, pulling back, impeding development . . . The progressive belief of one age becomes the conservative doctrines of

the next, while the conservative teaching of the preceding generation is inadequate to the spiritual wants of the next generation."¹¹

Thus, in the very opening of his lectures, Krauskopf presented his Friday evening auditors with a definitely evolutionary philosophy of religion. True, he expressed a gradualist point of view; he was not an advocate of the overturning of religious tradition. His insistence was on the need for controlled change.

Our present entire civilization would rush toward hopeless ruin, the entire human family would speed back again to the primitive state of man, were no static force to act as counter-irritant upon the dynamic, were not cautious and conservative and checking influence to bear upon and hold within bounds the madly forward-rushing progressive spirit, athirst after religious changes and innovations, after rooting up and tearing down.¹²

Controlled change, however, he accepted gladly, even presenting the thought that "varying shades of intellect imply varying degrees of religious development, and the religion suited for the farthest advanced can never become the religion of the lowest in mental culture, nor can the religion of the latter be imposed on the former."¹³

This, in turn, leads him to the idea that in each age there is in existence a religion of the past and a religion of the future, acceptable to different levels of the population. Such a discrimination he feels to be necessary because religious ideas can only lead to moral rectitude if they are vitally significant to each believer.

Thinkable, but unknowable and unimaginable abstractions may satisfy the religious craving of the highly intellectual, but the untutored must have creeds which they can grasp and vividly picture to themselves. And so each age, made up of the intellectual and the untutored, has exponents of the mental status of the past and of the coming age. The one is in harmony with the *Religion of the Past*, and the other with the *Religion of the Future*.¹⁴

¹¹ *Evolution and Judaism*, I, 4-5.

¹² *Ibid.*, I, 7.

¹³ *Ibid.*, I, 8.

¹⁴ *Ibid.*, I, 9. Italics in the original.

To these two forces, reactionary and progressive, Krauskopf applies the physical principle of the balance of forces. He might equally well have applied the principle of Hegelian dialectic; it is significant of his training and his background that he chose the physical principle. The resultant of the religion of the past and that of the future, taking "a course of its own midway between the two, a rational modification of the two, and taking its *Thought* from the Religion of the Future and its *sentiment* from the Religion of the Past, . . . is the *Religion of the Present*." The thought of the religion of the future is "the *science-permeated theology*," which is the "teaching that the religion of the future shall be as grounded upon the facts of science as the religion of the past was based upon the abstractions of metaphysics."¹⁵ This thought, this teaching he associates with some form of the "doctrine" of evolution.

If we are to have a true knowledge of the Religion of the Present [he continues] it is of the utmost importance that this Doctrine of Evolution be thoroughly analyzed, that it be well understood, that its scientific data be contrasted with the metaphysical data of the theology of the past, that the untenable in both be eliminated, and thus a true reconciliation be effected.¹⁶

As an illustration of the work of the series, Krauskopf presents a brief contrast of creation as described in the religious tradition and as taught by evolution. He does not attempt the reconciliation of these diverse statements here, but reemphasizes the need for reconciliation.

He does state emphatically, however, that the evolutionary theory "contains truth, and much truth, too,"¹⁷ and "that pure Judaism stands unshaken by pure Evolution."¹⁸ This statement he defends in a manner familiar to any student of the controversy in his period by arguing that

the unfolding of a phenomenon in accord with *Natural Law* does not take either the Phenomenon or the Law out of the hand of the Creator. Even the most extreme of evolutionists

¹⁵ *Ibid.*, I, 10. Italics in the original.

¹⁶ *Ibid.*, I, 11.

¹⁷ *Ibid.*, I, 13.

¹⁸ *Ibid.*, I, 14.

explain only gradual succession but never the *Origin* . . . Evolution has not, and can not account for the Origin of Matter, of Natural Law and of Origin of Life . . . It is forced to confess the existence of some *Power* behind matter and force which has brought them into existence and has given them their eternal properties and laws . . . Every evidence for evolution is evidence for the existence and work of an Evolver.¹⁹

One more of the presuppositions of Krauskopf in his opening lecture remains to be presented. This is his belief that "a faith based upon fairly demonstrable [probable?] scientific facts will ever have greater validity than that which rests wholly upon demonstrable metaphysical abstractions."²⁰ It is this preference for inductively derived principles, this positivistic, anti-intellectual point of view which leads him to the belief that evolutionary science "does not destroy foundations, nor sap faith, nor weaken the moral sense. It comes to purify and to strengthen."²¹

It is evident from this opening lecture that, however open-mindedly Krauskopf had approached his subject and however widely he had read on all sides of the controversy, his mind was now made up. He had decided to accept the evolutionary hypothesis as a doctrine, and to bring Judaism into accord with evolution, to reconcile religion *with* science rather than religion *and* science. In the reconciliation thus carried out he asserted that "gently, and lovingly, and thoughtfully shall Evolution deal with Judaism."²²

III

With the background provided by this full analysis of Krauskopf's first lecture, the general tenor of the remaining fifteen should be clear. Everything in the tradition of Judaism which can not be brought into accord with one or another evolutionary hypothesis is referred to the abstract metaphysics of the past and dismissed. A brief survey of these lectures will indicate some of the more important points which Krauskopf presents. In summary, his

¹⁹ *Ibid.*, I, 14-15. Italics in the original.

²⁰ *Ibid.*, I, 15.

²¹ *Loc. cit.*

²² *Ibid.*, I, 16.

American-Jewish viewpoint of evolution will be restated and clarified.

In discussing "Evolution and the Bible" in his second talk, Rabbi Krauskopf indicates his general agreement with the critical view of the Scriptures. He finds the Scriptural record the product of inspiration rather than of revelation, showing the hand of man rather than the hand of God. While expressing his reverence for the Bible as "the most potent instrument for religious and moral instruction" and "because it contains the record of the consecration of the Hebrew people to their mission as the priest people of the One God," he does not hesitate to differ from its scientific statements, "because morals, not science, is its legitimate sphere."²³

In his third lecture Krauskopf discusses in more detail the comparison between the Biblical and evolutionary accounts of creation which he referred to in his opening talk. He sees in the Biblical account a theory of creation very close in character to that propounded by evolutionists,

so nearly perfect, so close upon the heels of modern 'evolution' that . . . I fully believe — that had Israel not been constantly retarded by political struggle, oppressed by inferior masters, exiled, degraded, persecuted . . . the evolution of to-day would have been many centuries older, and the errors that now exist in our creation theory would have been long since expunged It is so nearly perfect that upon it alone so eminent a reasoner as Gladstone is inclined to base his belief in the inspiration of the Bible . . . that some of our most advanced geologists and scientists, such as Prof. Dana, Agassiz, Hugh Miller, Dr. Reusch and Principal J. W. Dawson have toiled with might and main to reconcile it with evolution, patching it here and patching it there, making the Bible convey teachings which it never meant to convey.²⁴

This patching process, this forcing of a new interpretation on the old writings meets with Krauskopf's severe disapproval. He feels that thus more harm is done to the cause of truth than is done by outright acceptance of the Biblical story with all its

²³ *Ibid.*, II, 16.

²⁴ *Ibid.*, III, 52-53.

known discrepancies from scientific evidence. He objects to a reconciliation of the two theories of creation "by attaching to each verse a voluminous commentary of very subtle and ingenious reasoning. Those very few corrections which it [the Bible] needs can be made on the basis of pure theistic evolution, and there is no earthly need for any subtle and tenuous patching."²⁵

When Krauskopf limits the corrections to those made on the basis of theistic evolution, he is denying the beliefs of the materialists, who insisted, as dogmatically as did their most extreme opponents, that the theory of evolution excluded the possibility of an immanent God. "I do not accept Huxley's materialism, nor that of any of his collaborators, and I thank God for the insight into His workings, which He has vouchsafed unto me, that I need not be a materialist."²⁶ He does not, however, refuse all consideration to Huxley, or to Spencer, to whom he refers as "this prince of Agnostics."²⁷ Both, he maintains, are in the right when they assert that science is not opposed to religion itself but only to the heathen mythologies and bad philosophy which survive in it.

The fourth lecture, entitled "Matter and Force" is interesting chiefly for the distinction it draws between theistic and materialistic evolution. In this it becomes evident that, like most other theological writers on the subject, Krauskopf was disturbed by the agnosticism of Huxley and his disciples rather than by their materialism. He makes the unusual suggestion that evolution of a sort is operative upon the evolutionists themselves, causing them to progress from the lower, materialistic forms of evolutionary theory to its higher, theistic form. "Materialistic evolutionists become more and more *theistic*. The law of evolution extends even to their mode of reasoning, and it is more and more purged of its faultiness. Their number dwindles with each day."²⁸

Lecture the fifth on "The Nebular Hypothesis" contains a good statement of the use made by theistic evolution of the protoplasmic theory, in terms of natural law.

²⁵ *Ibid.*, III, 53.

²⁶ *Ibid.*, III, 38.

²⁷ *Ibid.*, III, 41.

²⁸ *Ibid.*, IV, 69. Italics in the original.

Theistic evolution attempts to prove that the past has given rise to the present by the simple [!] process of development according to *God-Created Natural Law*, the higher and more complex arising from the preceding simpler and lower, that *e. g.* all species of animals and plants existing to-day, have been derived from other different species of living in the past — but now extinct — by direct descent, and that they will themselves give rise in the future to other still different species. It tries to prove that all organic existences, traced backward, converge until finally they meet in one common starting point in the primal God-created protoplasm, and all inorganic existence can be traced back to the original cloud of God-created fire mist.”²⁹

Note here that God, as First Cause, is responsible for the creation of the basic stuff of organic matter, protoplasm, and for the basic stuff of inorganic matter, fire mist, nebular particles, and the basic law according to which these basic forms of organic and inorganic matter exist and change. There is no suggestion of direct control of these changes by God, as in traditional religious thought, nor is there any sense of God’s in-dwelling in protoplasm or nebula, which would be the pantheistic view. God’s control is remote, through the operation of that law of nature which He has set up for the governing of His other creations. The world of man and of matter is ruled by secondary causes.

Krauskopf’s sixth lecture, on “Darwinism,” opens with the assertion that “Order proves presence and existence of intelligence. Supreme order is the manifestation of supreme intelligence.”³⁰ Thus the existence of God is proved by the supreme order of the reign of natural law. “Again,” he continues, “I see this ‘*natural law*’ shape matter with *design* and direct force with a *purpose*, and design and purpose presuppose intelligence.”³¹ From this the writer is led to the major contradiction of his work, which vitiates much of his argument.

In the preceding chapter, he referred to natural law as “God-created.”³² Now we learn that it is not merely God-created; it is

²⁹ *Ibid.*, V, pp. 84–85. Italics in the original.

³⁰ *Ibid.*, VI, 99.

³¹ *Ibid.*, VI, 102. Italics in the original.

³² *Ibid.*, V, 84.

God! Furthermore, since he asserts that there must be a will superior to the law, Krauskopf stands convicted out of his own words of recognizing a will above God.

This universally admitted supreme governing power, this universally acknowledged eternally invariable law, which presuppose eternal and immutable supreme will — for law is but an expression of will enforced by power — this universally admitted ever present design and purpose, order and harmony which presuppose supreme intelligence, this sum of Supreme Governing Power, Supreme Will, Supreme Intelligence is named by evolutionists 'Natural Law;' by theologians it is called 'God.' The difference between the two is only in the name applied to the same power, but not in essence . . . With this conception of the nature of God every difference between science and religion disappears."³³

Unquestionably! This is making religion adjust to science with a vengeance. With this as a basis, Krauskopf recommends the acceptance of the Darwinian theory of evolution as an effect of this controlling cause; and he repeats that the cause is called "Natural Law" by evolutionists, while by theologians it is called "God."³⁴

In the seventh lecture, on "Primeval Man," Krauskopf says little, and that little is not well founded. He is chiefly concerned with evidences of supposedly human traits among animals. The four lectures following this are specific applications of a concept of progress to the intellectual, social, religious, and moral development of man. These lectures are largely homiletic in character and yield no information about Krauskopf's ideas concerning evolution.

The twelfth lecture, "Evolution and God" contains some interesting personal revelation by the author. He saw the transition from anthropomorphism to eminence as an early stage in the evolution of the idea of God; in this stage, however, God became metaphysical, an abstraction, "thinkable only in negative attributes."³⁵ A positive conception of God came through science in a later evolution of the God-idea. All this the author relates to his

³³ *Ibid.*, VI, p. 103.

³⁴ *Ibid.*, VI, p. 117.

³⁵ *Ibid.*, XII, 244.

own development. Significantly he says, "I have believed in a God from my childhood days. I have never been a moment without that belief, but I had my trouble with it. My conception of God has passed through every possible stage."³⁶ He faced the problem of evil and of suffering and that of the inconsistencies of the Bible. He considered predestination to sin and crime. He asked himself some very naive questions:

I wondered what God had possibly to do all day long, (now that the work of creation was finished, that the age of miracles had ceased and the task of bringing into life and taking from it had been assigned to respective angels,) beyond judging mortals and listening to their praises.³⁷

Not until the young man had passed from theology to science did he learn to know God as he wished.

There in *science*, in the department of Evolution, I could intelligently comprehend the power I worship . . . Here I could see Him as Supreme Intelligence, Supreme Will, Supreme Power, Supreme Love. Here I could see Him as the Eternal and Immutable Law, directing all matter, organic and inorganic, all force, physical and vital, and gradually developing all life from the simplest to the more and more complex, from the crudest to the more and more perfect, from the not living to life mortal, and from life mortal, through the gateway of death, to life eternal . . . Here were positive effects, all flowing from a positive First Cause. Here I could see Him constantly active and eternally creating, the Cause of all Life, the Life of all Cause.³⁸

Anthropomorphism fled his mind before the concept of immutable law; so, too, did "the vexatious thought of an arbitrary, partial, changing and changeable God, . . . who overrules natural laws and occasionally sets them aside; who is hasty and suffers himself to be worsted in an argument."³⁹ Again he offers the contradiction which has been met before, and presents God as both Law and the Creator of law. Thus Krauskopf's views of the evolution of the idea of God in history are seen through and condi-

³⁶ *Ibid.*, XII, 242.

³⁷ *Ibid.*, XII, 243.

³⁸ *Ibid.*, XII, 243-244. Italics in the original.

³⁹ *Ibid.*, XII, 245.

tioned by his own inner conflict. This is an analysis of the evolution of Krauskopf, not of the idea of God.

Lecture, XIII, "Evolution and Immortality," dismisses personal immortality, but introduces a "life-principle" and a pantheistic definition of God as "the universal life."

At the dawn of time into each of us a spark of 'the universal life' was breathed, with the divine necessity to carry it forward, to develop and unfold it until the ultimate goal is reached. That spark has been clothed in many a garb, and has assumed many a shape. It has advanced through every stage of the lower species, and will advance through every higher state to come, until the God-like will be reached . . . When developing time comes in the slow unfolding of our spark of life, the mortal coil is returned to its primal earthly elements . . . while the spark of life lives and passes on to a higher and better state.⁴⁰

If there is something reminiscent of the Cabalistic ideas of Isaac Luria in Krauskopf's "sparks" of the universal life, there is a further echo of Luria's doctrine of *gilgul*, transmigration, modified by the Hindu conception of *Karma* in what follows.

Whether we reach the goal sooner or later is in our power, and our own reward and punishment. The moral and intellectual development of every one of us is to-day commensurate with the care bestowed upon our culture in the life preceding, and the life succeeding will reflect the care bestowed upon the development of our life-principle to-day . . . This is the *spiritual* 'survival of the fittest.' This is the *paradise* after which we aspire . . . This [is] our deduction from the [law] of evolution. If it is new it need not therefore be false. It has the appearance of offering a more rational solution to the many intricate problems which death suggests than those which have hitherto been presented. If it is not false, then I know of no more rational stimulus towards development of what is highest in us than that given by this theory of 'Life Evolution.'⁴¹

Lectures XIV and XV, "Evolution and Worship" and "Evolution and Judaism," are noteworthy because in them is contained Krauskopf's first forthright admission in this volume that he is

⁴⁰ *Ibid.*, XIII, 264-65.

⁴¹ *Ibid.*, XIII, 265-67. Italics in the original.

speaking as a reform Jew. While his differences from traditional Judaism have been implicitly evident in his selection of such a topic as Evolution for a series of Friday evening lectures, in his treatment of the Bible, and in his depersonalization of God, here he speaks openly as a reformer. He attempts to relate the program of reform to his general view of evolution as progress. His view of worship is that it should not be ritual; it "exists for the purpose of affording the divine essence within us the opportunity of frequent intercourse with God, the Essence Supreme."⁴² He presents a psychological interpretation of prayer which does away with the need for divine intervention in human life:

When truly animated by a fervent yearning to further to its utmost the purpose for which we exist, we turn to God with prayer for aid, that prayer stimulates that divine essence within us, which is part of the piety itself, to an ever purer and an ever more intellectual life, and we are made to find within ourselves the capacities for fulfilling those very petitions with which we turn to God.⁴³

The substitution of empty ritual and parroted prayer for this genuine seeking of God is the fault of clerical obfuscation and the cause of the empty pews in synagogues and churches.

The mind has its eternal rights. When it has outlived an age it will not permit itself to be lulled to sleep by the lullabies of the past. The church may bring its fetters to chain the mind to the beliefs and ceremonials that belong to a dead past; the freedom-loving mind will break them now, as it broke them in the past. The clergy lives in the past, the masses live in the present.⁴⁴

He ends his discussion of worship on the optimistic note that "the day is dawning in which the true comprehension of the nature and requirements of God will make our every deed a prayer, and our whole life a hymnal."⁴⁵

In his fifteenth lecture, Krauskopf speaks of the "Evolution of Judaism." He recites a brief religious history of the Jews from Abraham to his own time, showing how the religion of the Jews has gradually been purged of some of its grosser elements while

⁴² *Ibid.*, XIV, 281.

⁴³ *Ibid.*, XIV, 280.

⁴⁴ *Ibid.*, XIV, 284.

⁴⁵ *Ibid.*, XIV, 287.

others picked up by Judaism on its historic course have remained to be a blot on the religion.

Beliefs and ceremonies and rites of the Acadians and of the Egyptians, of the Assyrians and Persians, of the Greeks and Romans, of Christian and Mohammedan borrowed heathenism, all these had sent their quota into the *Talmud*, into the *Caballah*, into the *Schulchan Aruch*, into the Ghetto synagogue, and this fantastic make-up received the name of Orthodox Judaism.⁴⁶

To Judaism thus conceived Krauskopf offers as an alternative what he calls "the Judaism of to-day." This is "purely a religion," and its purpose is that of "acquainting us with that much of the nature of God, which is conceivable to the finite mind . . . [and] with the modes of His revelation" and of indicating to us "the course we must pursue to live in the fullest harmony with the divine purpose for which we exist." Both public and private worship exist in it as a means of permitting frequent communion with God. "While proudly pointing to its peerless moral code . . . and urging a scrupulous obedience thereto, while enjoining upon its adherents the necessity of preserving the historical identity with the past . . . it nevertheless strives to be in accord with the postulates of reason." This Judaism which Krauskopf suggests casts into the discard the concept of a chosen people, a kingdom of priests and a holy nation, calling this doctrine "that peculiarly Oriental notion." It recognizes "the existence of religious evolution . . . It takes cognizance of the spirit of the age. It retains such Biblical and rabbinical beliefs and ceremonies and institutions as tend to elevate and sanctify our lives, and rejects all such, which however comforting and useful they may have been in their day, have become obsolete, misleading, unsuited to the spiritual wants of the age."⁴⁷

Krauskopf's final summary lecture restates, as the key points in his discussion, those matters which have been presented in these pages and requires no further elaboration. Evolution evidences the existence of an evolver, called God, who is the supreme

⁴⁶ *Ibid.*, XV, 308-9. Italics in the original.

⁴⁷ *Ibid.*, pp. 297-99.

order in the universe. Thus evolution strengthens religion rather than weakening it. Evolution has dealt gently with "Judaism pure and simple."

IV

To begin his penultimate lecture, Krauskopf quoted from the orthodox Jewish press of his day editorial comments on his lectures. The writers of these comments branded the lecturer as an infidel worse than Ingersoll, a blasphemer, a ranter, a disgrace to the rabbinate, a recruiting agent for socialism. These statements, from our vantage point, seem somewhat hysterically overdrawn. Other charges might well have been made, however, which would have had more foundation and have been more readily substantiated from the text of the lectures.

Of these the most significant is that Krauskopf at this time was not particularly consistent in his concept of God. He had undoubtedly dropped the traditional anthropomorphic ideas but he was uncertain in his own viewpoint. God sometimes appears as depersonalized power, natural law, and sometimes as personal divinity. As natural law, God performs according to His nature, but does not intervene in human affairs; as personal divinity, God is constantly creative, and as constantly concerned with mundane matters. Krauskopf is unwittingly straddling the fence on one of the most significant aspects of evolution for religion.

Another weak point in the author's analysis is that he evades the Darwinian questions of the struggle for existence and the survival of the fittest, discussing the latter only in terms of immortality, which he calls "the spiritual survival of the fittest." The importance of this issue lies in its relation to questions of morality. The Darwinian structure is non-moral, but especially in terms of struggle and survival contains many implications for morality. These Krauskopf fails to consider, merely asserting the validity of the traditional Jewish ethics in an evolutionary scheme. Traditional Jewish ethics, however, are in their essence, opposed to the struggle for survival. They are concerned with the individual functioning in society and attempt to keep a proper balance between individual and societal rights and obligations. There is a

decided blind spot in Krauskopf's failure to realize and to discuss this.

Finally, the lecturer was disingenuous in his assertions that he entered on the subject without preconceptions. Evolution was chosen as the subject not because Krauskopf or his auditors necessarily had any decided interest in it or in the reconciliation of Judaism and science. He chose this subject because he saw in it an excellent approach to the defense of reformed Judaism. By extending the scope of evolution from the physical to the religious aspects of the world, he was able, after accepting rather uncritically the evolutionary theory, to translate religious change into religious evolution. Thus he established a deterministic rationale for reform, which he called variously "the religion of the present" and "Judaism pure and simple." Whether this was his own idea or whether he had derived this plausible argument from Isaac M. Wise, his teacher, it evidences the fact that these Friday evening lectures were actually sermons, not lectures.

Some credit attaches to Krauskopf for this series. He presented honestly and with as much understanding as he could a highly controversial and very technical subject. He made public profession of his acceptance of evolutionism at a time when this took high courage in a religious leader. He undertook intellectual leadership rather than intellectual domination of his congregants. Finally, the entire series was the work of a man who refused to permit his own thinking to be anything but free, of a "freeborn mind." It is in this respect particularly that it is entitled to be called "American" for the unfettered mind is the essence of Americanism, even in a religious leader.

ISAAC MAYER WISE ON THE CIVIL WAR

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IN 1861 there were nine Jewish periodicals published in the United States; seven were written in English, two in German. Of these, Isaac Mayer Wise's *The Israelite* was the second oldest in continuous existence and the oldest weekly publication; its influence was strongest in the middle west and in the south. Galvanized by Wise's dynamic energies and exciting ideas, *The Israelite* exerted a powerful force in the formation of Jewish public opinion on Jewish and national problems. A study of its editorial policy, especially during the early years of Wise's editorship, when it claimed a great deal of his attention, is interesting and rewarding, because such a study reveals not only the thought and psychology of its editor, but also the ideas and attitudes which were transmitted to American Jewry. This paper will constitute an examination of Dr. Wise's editorial policy during and concerning the Civil War.

When the war broke out in April, 1861, Wise published his decision to refrain from comment on the war, in the following editorial:

"SILENCE OUR POLICY"

"The excitement runs high, very high, wherever we turn our eyes. They say civil war is commenced. We are the servant of peace, not of war. Hitherto we sometimes thought fit to say something on public affairs, and it was our ardent hope to assist those who wished to prevent civil war; but we wasted our words. What can we say now? Shall we lament and weep like Jeremiah over a state of things too sad and too threatening to be looked

upon with indifference? We would only be laughed at in this state of excitement and passionate agitation, or probably abused for discouraging the sentiment. Or should we choose sides with one of the parties? We can not, not only because we abhor the idea of war, but also we have dear friends and near relations, beloved brethren and kinsmen in either section of the country, that our heart bleeds on thinking of their distress, of the misery that might befall them.

"Therefore silence must henceforth be our policy, silence on all the questions of the day, until a spirit of conciliation shall move the hearts of the millions to a better understanding of the blessings of peace, freedom, and union. Till then we might stop publishing *The Israelite* if our friends say so, or continue as usual, if we are patronized as heretofore. But we shall be obliged to abstain entirely from all and every commentary on the odd occurrences of the day.

"In writing these lines we feel as sorrowful and disheartened as we only once before felt — on leaving our native country. The land of our choice and adoption thus in a destructive commotion is much more than common misery to us. Still the will of God be done."¹

But Wise was not telling the entire story in this brief editorial. He was not a neutral, a mere spectator, a fence-sitter, as his words might lead one to believe. He was a Peace Democrat,²

¹ VII #42, p. 334, April 19, 1861. All references, unless otherwise noted, are to volume and number of *The Israelite*.

² See Jacob R. Marcus, *The Americanization of Isaac Mayer Wise*, Cincinnati 1931, pp. 10-18, for a detailed treatment of Wise's political ideas. Wise probably voted for Stephen Douglas in the election of '60, although he supported no candidate in the columns of *The Israelite*. His bitter eulogy of Douglas seems to indicate this: "This is one of our national sins, the bitter consequences of which we now suffer; all parties in this country committed the same sin — they killed their greatest men, and elevated imbeciles to the highest stations of honor . . . Douglas is dead, and his most bitter enemies must admit that the country has lost a great man." VII #49, p. 386, June 7, 1861. On Sept. 5, 1863, Wise himself was nominated for the office of State Senator by the Democratic Party convention at Carthage, but he declined the nomination at the behest of the officers of his congregation and of the Talmud Yelodim Institute. The letter he wrote on that occasion was full of regret: "I certainly feel obliged to decline a nomination so honorably tendered, notwithstanding my

like so many of his fellow-citizens in the border-states, the "border-state eunuchs," as Henry Ward Beecher called them. He was opposed to the ideas of both the extreme abolitionists and of the extreme secessionists. The Republican victory in the fall of '60 was, to his mind, a national calamity. The Republican radicals and the southern radicals would, together, tear the country apart. "Here is the house divided against itself," he said, "the irrepressible conflict." "Either the Republican party must be killed off forever by constitutional guarantees to the South, to make an end forever to this vexing slavery question, or the Union must be dissolved."³ Peace and Union at any cost were his objectives in the weeks before the outbreak of war, even if the price involved the everlasting legalization of slavery. He published only pro-peace sermons and letters in *The Israelite*; who can say whether these were the only ones he received, or the only ones he could conscientiously publish? There were sermons by Szold, DeCordova, and Hochheimer, pleading for moderation as Wise did; letters from "Scrib" and "Millotiz" in favor of any compromise on the slavery issue, any revision of the constitution, to effectuate a peaceful solution, matching Wise's editorials; even advertisements by M. Loth favoring "Union Forever" in the place of his usual offerings of merchandise. And Wise was confident, for a while, that the counsel of moderation and compromise would win out, counsel such as his, that "a second sober thought of the people will decide in favor of union at any risk." Once South Carolina seceded, however, to be followed in rapid succession by the other slave states, Wise gave up hope altogether. He believed that every state had the right to secede; and, further, that a resort to arms was illogical: "Force will not hold together this Union; it was cemented by liberty and can stand only by the affections of the people." What, then, could a Peace Democrat do but lapse into a resentful silence when the extremists on both sides achieved their goals?⁴

private opinion, that I might render some services to my country, not altogether unessential, especially as those who nominated me know well my sincere attachment to this country and government." X #12, p. 92-3, Sept. 18, 1863.

³ VII #26, p. 205, Dec. 28, 1860.

⁴ VII #27, Jan. 4, 1861 to #32, Feb. 8, 1861.

If Wise, then, was prepared to see slavery established as a permanent American institution, to save the Union, was he pro-slavery, as he has generally been regarded?⁵ The answer is "no" if it must be stated in one word. But it cannot be stated in one word, for the slavery issue itself was such a complex of ethics and politics that only the extremists on both sides could answer in one word. Many of the rabbis declared themselves to be abolitionists or pro-slavery men; Wise did not. In fact, he avoided discussion of the question on a political plane, since it was obvious to him that the political and economic aspects of slavery were paramount in most discussions.⁶ As a rabbi, he said, he had no right to use his religious office, or his religious journal, for political purposes; and we shall see that he attacked the abolitionist clergymen for what he thought was their degradation of religion into a political tool. After the war ended, Wise was willing to admit that the abolition of slavery had been a desirable and progressive step; but he never supported it as a reason for going to war with the South.

On an ethical and moral plane, however, Wise was obviously not pro-slavery, although he never reached such heights of moral indignation as the leaders of the abolition movement. Far from approving the stand taken by Rabbi Raphall in his famous "Bible View of Slavery"⁷ sermon, as has been charged, Wise refuted several of the Biblical arguments for slavery which were used by Raphall and other pro-slavery divines. "Among all the

⁵ Max Kohler (*Jews and the American Anti-Slavery Movement*, PAJHS, V, p. 150) and Philip S. Foner (*The Jews in American History, 1654-1865*, N. Y. 1945, p. 60) state erroneously that Dr. Wise endorsed the pro-slavery sermon preached on Jan. 4, 1861 by Rabbi Morris J. Raphall.

⁶ IX #34, p. 268, Feb. 27, 1863.

⁷ Included in the collection, *Fast Day Sermons*, N. Y., 1861. Among other things, Raphall insisted that the Bible favored the institution of slavery, and that no Biblical passages could be furnished to defend the abolitionist viewpoint. On the other hand, he was fully aware of the differences between the Biblical conception of the slave as "a *person* in whom the dignity of human nature is to be respected" and "the heathen view of slavery which prevailed at Rome, and which, I am sorry to say, is adopted in the South, [which] reduces the slave to a *thing*, and a thing can have no rights." Raphall was a defender of slavery, but not a defender of Southern slavery!

nonsense imposed on the Bible," he wrote, "the greatest is to suppose the Negroes are the descendants of Ham, and the curse of Noah is applicable to them . . . Canaanites are never mentioned in the Bible as men of color . . . Besides we can not see how the curse of Noah could take effect on the unborn generations of Canaan . . . when the Bible teaches that God visits the iniquity of parents to the third and fourth generation only and [upon] those who hate Him?"⁸ When Raphall died in 1868, Dr. Wise, perhaps using hind-sight, wrote that Raphall had given "a divine sanction to an inhuman institution," and "this was a great blunder." Wise even tried to clear the pro-slavery blot off of Raphall's name by recording that "in a subsequent thanksgiving oration he attempted to correct his error, but it was too late, the impression of his first sermon on the subject was firmly seated among friend and foe."⁹

Wise was always horrified at the thought of a reopened slave-trade. He believed that this was the intention of the extreme southerners, and hoped this could be avoided in a compromise settlement before the war. During the war, he broke his political silence once to warn of another possibility of the same thing. In late '61 he became convinced that the European Confederate agents would be successful in aligning France and Spain against the north, that Spain would invade Mexico and place a Spanish monarch on the throne, and that Mexico would then join hands

⁸ VII #29, p. 230, Jan. 18, 1861. Dr. Wise knew, however, that arguments from the Bible are dangerous. Proofs could be cited for almost any point of view. So he also cited refutations of abolitionist arguments based on Biblical passages and events. He believed, for instance, that "the Hyksos of Manetho, who oppressed the Israelites in Egypt, were Negroes." See VII #38, p. 300, March 22, 1861, which concludes with the amazing statement that "the unity of the human race can not successfully be defended either biblically or scientifically."

⁹ XIV #52, p. 4, July 3, 1868. Wise was quite unsuccessful. No writer on the subject has ever regarded Raphall as other than a convinced pro-slavery adherent. As late as 1897 Wise himself was forced to print a formal denial that he "shared the opinion of Dr. Raphael . . . that slavery was a divine institution, sanctioned by the Old Testament Scriptures, or that there is on record one paragraph to show that the said Isaac M. Wise ever was a pro-slavery man or favored the institution of slavery at any time." LXVIII #52, p. 4, June 24, 1897, answering the *London Jewish Chronicle*.

with the Confederacy. The idea of a European monarchy transplanted to the western hemisphere was a frightening one to him; he wanted America to bring democracy to Europe! His youth in Austria left him with only hatred for monarchy. So he appealed for an immediate drive to crush the rebellion, or, if this was impossible, a compromise peace with the South. But a secondary reason for his fear of a European invasion of Mexico was that "Spain is the only slaveholding power of Europe . . . the only power that has not prohibited the slave trade." If a juncture were effected between Mexico and the Confederacy, then the slave-trade, with all its horrors, would begin anew. The war and the abolition of slavery were unimportant to him, when there was, to his mind, a real danger that the greater evil of the slave traffic would be reinstituted.¹⁰

Long after the final draft of the Emancipation Proclamation was issued, Wise finally gave an expression of his views on slavery in the Bible. He showed no unwillingness to state his beliefs once slavery had ceased to be a political issue. They are, of course, the ideas of a man opposed to slavery. In a series of articles in late '64, he made a thorough survey of the Biblical laws and concluded that Moses had attempted to abolish slavery "by indirect-direct laws which rendered its existence impossible." "It is evident," he claimed, "that Moses was opposed to slavery from the facts: 1. He prohibited to enslave a Hebrew, male or female, adult or child. 2. He legislated to a people just emerging from bondage and slavery. 3. He legislated for an agricultural community with whom labor was honorable. 4. He legislated not only to humanize the condition of the alien laborers, but to render the acquisition and the retention of bondmen contrary to their will a matter of impossibility." So much for the Biblical view of slavery.

Then he offered a few general comments of his own. "We are not prepared, nobody is, to maintain it is absolutely unjust to purchase savages, or rather their labor, place them under the protection of law, and secure them the benefit of civilized society and their sustenance for their labor. Man in a savage

¹⁰ VIII #25, p. 196, Dec. 20, 1861.

state is not free; the alien servant under the Mosaic law was a free man, excepting only the fruits of his labor. The abstract idea of liberty is more applicable to the alien laborer of the Mosaic system than to the savage, and savages only will sell themselves or their offspring." Wise was still unwilling to come to grips with the evils of southern slavery which so infuriated the north, or with the economic conditions which perpetuated those evils. He even bespoke an idea which had long motivated the program of the American Colonization Society which had, since 1821, colonized freed Negroes in Liberia: "Negro slavery, if it could have been brought under the control of the Mosaic or similar laws, must have tended to the blessing of the negro race by frequent emigration of civilized negroes back to the interior of Africa."¹¹

But nowhere in his writings on slavery does he approach the radical and violent anti-slavery position of the abolitionists. Actually he was constitutionally unable to adopt a radical attitude on any issue. Passionate and vehement he was many times, but never radical. In a very revealing editorial on "Radicalism and Reform," published before the war, Wise expressed his utter opposition to radicalism in politics and in religion. "The present state of political affairs should convince every sober-minded and well informed man that radicalism will not do in any province of human activity. There are no leaps in human history . . . Radicalism will not do in politics, because there are historical rights, inveterate views and habits, thousands of interests connected with the existing state of affairs which will not yield to theories. It is easy for agitators to excite the passions of the populace, make friends and arm defenders for any theory; but it is impossible to revolutionize radically all historical rights."¹²

¹¹ XI #20, p. 156, Nov. 11, 1864 to #26, p. 204, Dec. 23. The series is entitled "On the Provisional Portion of the Mosaic Code, with Special Reference to Polygamy and Slavery."

¹² VII #28, p. 221, Jan. 11, 1861. Wise continues, applying this reasoning to religious radicalism, "As easy as it is by stringent conservatism to drive the intelligent from the Synagogue, so easy it is by radicalism to deprive a man of religion . . . Support the spirit of progress by rational reforms. But

It was no coincidence that the two leading lights of the American Reform movement were at odds in both religion and politics. Rabbi David Einhorn the abolitionist, who almost paid for his political radicalism with his life, was a radical in religion as well. Wise opposed him in both. After a visit to Baltimore in '60, Wise wrote that Einhorn's congregation "is half very radical in practice, and entirely so in theory." Much more to Wise's liking was Rabbi Benjamin Szold, also of Baltimore; Szold shared Wise's political and religious opinions. Wise sympathized with Szold because his conservative religious opinions "made him the aim of the warfare of both extreme parties" in Baltimore, Einhorn's radical reform and the extreme orthodoxy of Rabbi Illowy. And Szold preached a sermon pleading for peace at any price which Wise printed in *The Israelite* in January, 1861.¹³

Although Wise never attacked Einhorn directly for his abolition ideas, he wrote with deep acrimony and rancor of abolitionists in general. He considered them to be "fanatics," "demagogues," "red republicans and habitual revolutionaries, who feed on excitement and delight in civil wars, German atheism coupled with American puritanism who know of no limits to their fanaticism, visionary philanthropists and wicked preachers who have that religion which is most suitable to their congregations," and "demons of hatred and destruction."¹⁴ He saw only war and bloodshed, chaos and suffering, as the result of their agitation, and he could not be convinced that this was desirable or advisable under any circumstances, certainly not with slavery as the crucial issue.

And the most guilty of all the abolitionists, in his eyes, were the Protestant clergymen. No minister should participate in the "vulgar business" of politics, he thought; one who does, "abuses the place and misuses the trust placed in him." But if politics

forget not, that religion is the most sacred boon God has granted to man and play not with it as a child does with the ball . . . Let us be reasonable in piety and pious in our reasoning. Let us be progressive in improvements and conservative in principles."

¹³ VII #7, p. 5., Aug. 17, 1860; VII #28, p. 220, Jan. 11, 1861.

¹⁴ VII #22, p. 173, Nov. 30, 1860; #24, p. 188, Dec. 14; #26, p. 205, Dec. 28; #37, p. 292, March 15, 1861; VIII #30, p. 236, Jan. 24, 1862.

had any place in the pulpit, surely now that the Union was in danger, clergymen should plead for peace and conciliation, save the Union from bloodshed and the horrors of war. Instead, they were, in Wise's opinion, the instigators of the war. "Who in the world could act worse, more extravagant and reckless in this crisis than Protestant priests did. From the very start of the unfortunate difficulties the consequences of which we now suffer so severely, the Protestant priests threw the firebrand of abolitionism into the very heart of this country . . . There was not a Protestant paper in existence that had not weekly an abolitionist tirade. There was scarcely a sermon preached without a touch at least of the 'existing evil.' You know who made Jefferson Davis and the rebellion? The priests did, and their whiners and howlers in the press. The whole host of priests would rather see this country crushed and crippled than discard their fanaticism or give up their political influence."¹⁵

One characteristic of the abolitionists which aroused Wise's heated resentment was the ethical inconsistency revealed in their lack of concern for other minority groups. In 1859, for instance, the people of Massachusetts, by referendum, adopted an anti-alien law whereby the right to vote and hold office was denied to the foreign-born until they could certify a residence of seven years in the United States, and naturalization as citizens.¹⁶ This curtailment of the rights of white men in a state notorious for its violent abolitionists, convinced Wise that the abolitionists were not humanitarians, but that they, rather, were politicians with a peculiar program for achieving power. "Do you think the Israelites of the South must be your white slaves," he asked, "as you in your naturalization laws treat the foreigner, placing him below the negro?" Bitterly conscious that the Jew still had to fight for the recognition of his rights, even against the pretended defenders of fairness and righteousness, he pointed his finger at them and exclaimed, "Too often . . . those who faint away on hearing of a negro thousands of miles distant having

¹⁵ VII #31, p. 244, Feb. 1, 1861; #48, p. 381, May 31; VIII #16, p. 124, Oct. 18; cf. X #8, p. 60, Aug. 19, 1864.

¹⁶ Emanuel Hertz, *Lincoln, The Tribute of the Synagogue*, N. Y. 1927, p. 571, quotes Lincoln's public repudiation of this law and its intention.

been abused, are always ready to wrong their next neighbor."¹⁷ When abolitionist newspapers and senators selected the southern Jews as their special targets, abused them for supporting their gentile fellow-citizens in the Confederacy, and branded Judah P. Benjamin, with special vehemence, as a member of that "race that stoned prophets and crucified the Redeemer of the world," Wise was almost prepared to become an out-and-out copperhead. He believed that the anti-Semitic character of some abolitionists discredited the entire movement.¹⁸

Indeed, few of the non-Jewish leaders of the time were interested in defending the Jews against the anti-Semitic attacks so characteristic of the Civil War period. Logically, of course, the abolitionists should have been the first to champion the Jew. That they did not was a continual source of irritation to Wise. "If so many Negroes had been injured," he wrote with flaming pen, "as were Hebrews by the order of General Grant, the bottomless absurdities of Parson Brownlow, and the heartless agent of the Associated Press, you would have cried as loudly as the people of Sodom and Gomorrah; but for the white Hebrew who gave you a God and a religion, you had not a word to say."¹⁹

Too often the very clergymen who fired their congregants with appeals to righteousness and justice for the negro were the same ones who urged that the United States be designated a Christian nation by the insertion into the Constitution of pro-

¹⁷ VII #30, p. 238, Jan. 25, 1861.

¹⁸ VII #38, p. 301, March 22, 1861; VIII #35, p. 278, Feb. 28, 1862. Senator Henry Wilson, of Mass., quoted above, attacked the Jews several times in Congressional speeches. In 1872, when Wilson was nominated for the Vice-Presidency, Wise reminded his readers of Wilson's past record and urged them not to vote for a man "whose conceptions of justice, equality, and liberty, are so narrow and ungenerous." XIX #9, p. 8, Aug. 30, 1872; #10, p. 8, Sept. 6. Wise overlooked Wilson's liberal championship of Jewish chaplains in 1862; Rabbi Felsenthal thought Wilson the hero of the entire chaplaincy controversy: *Sinai*, 7:200-201.

¹⁹ IX #34, p. 268, Feb. 27, 1863. Parson William G. Brownlow, Tennessee editor and pro-Union agitator, later post-bellum Governor of Tennessee, was a bitter anti-Semite, and wrote and spoke unceasingly against the Jews. He was saved from lynching by a safe-conduct pass to the north ordered by Secretary of War J. P. Benjamin; despite this act of generosity, Benjamin's Jewishness continued to be one of Brownlow's favorite avenues of attack.

visions for the acknowledgement of Christian dogma. Wise wrote at a fever pitch on this matter as frequently as it was presented. In 1861 such a proposal was forwarded to Congress by a Pennsylvania Synod of the Presbyterian Church, and Wise waxed furiously eloquent: "O, ye hypocrites and pharisees! You would trample under your impious feet the rights of the Israelite and millions of intelligent citizens who believe not in Christ—you would cast the firebrand of civil war in our midst to slay innocent women and children . . . [you] embrace the distant negro and rebuke the distant slave-holder whom you fear not, who can not come and join your church, increase your salaries, or praise your superlative wisdom."²⁰ Nothing the abolitionists did, could please Wise!

Convinced that the abolitionists were in control of the Republican party, and that only disaster could result from the Republican victory in '60, Wise had no sympathy whatever for President-Elect Lincoln. When he visited Cincinnati in his wearisome series of receptions and parades leading up to the inauguration in Washington, Wise wrote of him most patronizingly: "Poor old Abe Lincoln, who had the quiet life of a country lawyer, having been elected President of this country, and now going to

²⁰ VII #29, p. 229, Jan. 18, 1861. During the war, Wise found yet another reason for hating the abolitionists. He believed that they were responsible, in the final analysis, for the exclusion of rabbis from the chaplaincy provisions of the Act of Congress, passed July 22, 1861. He wrote, in one of a long series of editorials on the chaplaincy controversy running for over a year, that "a score of fanatics, adepts in the act of Salem witch-burning, abolitionists, know-nothings, and detesters of everything except Natick leather and niggers, have, true to their avowed purpose of troubling and pestering the foreigner and the 'Christ-killer' . . . instigated the unconstitutional provision limiting chaplains to ministers of 'a Christian denomination.' " VIII #25, p. 196, Dec. 20, 1861. Believing that the establishment of a Chaplains Corps was unconstitutional, because it provided for the employment of clergymen by the state, Wise accused Congress of violating the constitution to pay a political debt to the abolitionist ministers who helped elect them; since "the Hebrew Rabbis are no politicians . . . [and] proved to be conservative in politics while Christian clergymen are the most violent abolitionists," there was no need to provide political offices for rabbis! VIII #44, p. 348, May 2, 1862. In his hatred of abolitionists, in this instance, Wise was deliberately forgetting that there were more than a few abolitionist rabbis.

be inaugurated in his office, the Philistines from all corners of the land congregate around their Dagon and worship him . . . Why all this noise? . . . Wait till he has done something . . . Some of our friends might like to know how the president looks, and we can tell them; he looks . . . 'like a country squire for the first time in the city.' He wept on leaving Springfield and invited his friends to pray for him; that is exactly the picture of his looks. We have no doubt he is an honest man, and, as much as we can learn, also quite an intelligent man; but he will look queer, in the white house, with his primitive manner."²¹

In his first inaugural address, Lincoln referred to Christianity as one of the principal supports of the nation in its days of crisis. *The Israelite* shortly thereafter published a bitterly partisan letter from a correspondent in New York, attacking him for this apparent identification of the United States as a Christian country, and also branding Lincoln a coward for his trip by stealth from Harrisburg to Washington for the inauguration. Wise editorialized in a note following the letter: "From a dozen of letters on the same topic we publish only the above, because it comes from a particular friend. We have only to say for Mr. Lincoln, that his style of writing is so careless and without any successful attempt at either correctness or elegance that he must not be criticized in using this or that word to express an idea. He takes domestic words, as used in Springfield and vicinity to express familiar ideas. In Springfield religion is called Christianity, because people there do not think of any other form of worship, hence Mr. Lincoln uses the same word to express the same sentiment. Mr. Lincoln received the heaviest vote of infidels ever given to any man in this country. We do not believe there is a German infidel, American eccentric, spiritual rapper or atheist in the northern states who did not vote for Mr. Lincoln. Let us see how much benefit he will derive from their Christianity, or how he will settle the political troubles with such piety. He does not care for words. By and by he will learn the precise use and import of terms."²² Wise would never have written in this manner

²¹ VII #33, p. 262, Feb. 15, 1861.

²² VII #37, p. 294, March 15, 1861. Wise, also, believed that Lincoln had been a coward in running away from the threatened assassination. In VII

had he not been aroused as he always was by careless references to the United States as a Christian country in official documents or speeches. *The Israelite* pages are replete with attacks on governors, mayors, senators and other officials who apparently believed Christianity was the American state religion. And this was, also, another occasion for Wise, the Democrat, to attack the Republican President!

When the President was murdered, however, Wise spoke, with great understanding, of "the generous, genial and honest man, who stood at the head of our people in this unprecedented struggle for national existence and popular liberty; whose words and deeds speak alike and aloud of his unsophisticated mind, purity of heart, honesty of purpose, confidence in the great cause, and implicit faith in the justice of Providence, which inspired him to consistency, courage and self-denial; this Abraham Lincoln, who endeared himself to so many millions of hearts, and gained the admiration of other millions of people, both at home and abroad; whom the myriads of freedmen consider their savior . . . the man who stood at the head of affairs during this gigantic struggle, his cares and troubles, his sleepless nights and days of anxiety, his thoughts and his schemes, his triumphs and mortifications, his hopes and fears, and ten thousand more sentiments, feelings and thoughts . . ."²³ Between 1861 and 1865 Wise's conception of Lincoln's character and significance swerved from the one pole to the other.

During the years that intervened between Lincoln's inauguration and his assassination, Wise wrote indirectly of the occasion for his new insight into the soul of Lincoln. This was in a letter which he wrote to *The Israelite* on January 8, 1863, after his only personal visit with the President. Dr. Wise had been drafted into the delegation of Cincinnati Jews who were going to Washington to protest to the President and their Congressmen against General Grant's notorious Order No. 11. They arrived too late, for their mission had already been accomplished by a similar

#35, p. 278, March 1, 1861, under the Hebrew title, "Haftoras Lincoln," but without comment, Wise quoted Neh. 6.10-12, where Nehemiah tells of his refusal to flee a threatened assault.

²³ XI #44, p. 348, April 28, 1865.

delegation from Paducah, Ky., who were personally involved in the expulsion order, and who were promised by the President that the order would be rescinded immediately.

"Still we thought proper to see the President and express our thanks for his promptness in this matter," Wise wrote the next day, "and before 8 P.M. we were introduced to the President, who being all alone, received us with that frank cordiality, which, though usually neglected, becomes men high in office so well . . . The President gave utterance to his surprise that Gen. Grant should have issued so ridiculous an order, and added — 'to condemn a class is, to say the least, to wrong the good with the bad. I do not like to hear a class or nationality condemned on account of a few sinners.' The President, we must confess, fully illustrated to us and convinced us that he knows of no distinction between Jew and Gentile, that he feels no prejudice against any nationality, and that he by no means will allow that a citizen in any wise be wronged on account of his place of birth or religious confession. He illustrated this point to us in a very happy manner, of which we can only give the substance at present . . . Now, then, in our traveling habiliments, we spoke about half an hour to the President of the U. S. in an open and frank manner, and were dismissed in the same simple style. Sorry we are to say that Congress did not think proper to be as just as the President is . . ."

Dr. Wise was warmly impressed by "poor old Abe Lincoln," the "country squire," whom, he had predicted in February of '61, would "look queer, in the white house, with his primitive manner." Nothing here, in January of '63, about Lincoln's "primitive manner" or his careless style. Wise, like so many visitors to the large office on the second floor of the White House, fell under the spell of Lincoln's democratic manner, good humor, and disarming frankness. Wise spoke with a President whose sense of justice measured his own, and he came away convinced that the President, for one, would not be among those who delighted in casting barbs at American Jewry. This visit, then, is the key to Wise's understanding of the man "who endeared himself to so many millions of hearts, and gained the admiration of other millions of people . . ." Wise became one of the millions,

because he met the President face to face, and saw the true Lincoln.

But Wise held more true to his "silence" resolve than we might expect him to do; once he had done what he could to prevent the war, warning the people against the evils of militarism, against empowering the politicians with greater and greater prerogatives, against the danger to democracy and liberty involved in war, against the bloodshed and tears and pain which would come with the first battle, against the corruption and abuse of position and fanaticism and hatred which would rise with the smoke of the cannon and musket, Wise held to his resolution.

The pages of *The Israelite* contain practically no references to the great military and political events of the war years; the battles, the political struggles for power, the anguish of casualty figures, the threatened invasions, the Emancipation Proclamation, the election of '64, are all passed over in all but silence.

On a few occasions, however, Wise felt impelled to treat of the war from a religious viewpoint. He wrote almost from the isolation of a religious neutrality. In one editorial he wrote of the salvation of the individual soul as more important than all the "political crises and financial panics." "If for a moment," he cautioned, "the popular topics of the day absorb the whole attention of the thousands, you should not forget that topics, events, days and generations pass on the fleet wings of time, and your soul remains, with or without salvation, with everlasting joy or remorse, bliss or torment." He came to believe that the war was a punishment from God, designed to cleanse the American soul of materialism, corruption, the love of luxury, the neglect of culture. "Would to God," he prayed, "the calamity of civil war that has befallen us would lead us to investigate closely the national sins that exist among us, and rouse us to extinguish them for ever." "If the war costs us ten thousand professed politicians," he said bitterly, believing as always that the preachers and politicians were alone responsible for the war, "it will turn out a blessing at last, a blessing to the whole land . . . We cannot enumerate the ten thousand national vices that exist among us, vices which directly or indirectly brought on

us the national calamity under which we now suffer. Let these suffice to establish the fact, that this storm deservedly came upon us, that it will purify the atmosphere, and we shall go forth purified and improved to a great extent." "All the standing armies, navies, national guards, armories, forts and fortresses," he exclaimed, "can not save this republic from ultimate destruction, if the nation comes not to the conclusion that there are more precious and desirable objects, holier and more lasting interests, to be attended to than the one and ever annoying object of making money."²⁴

Wise supported the various war efforts, howbeit in a mild fashion. Advertisements to stimulate war loans were printed in the pages of *The Israelite* and were reinforced by editorial notes; charitable campaigns connected with the war were given ample publicity; news of Jewish soldiers and officers was given at great length. None of this was, however, based on a partisan conception of the war, for Wise's interest in and sympathy for Southern Jewry remained steadfast. From the beginning to the end he had only friendship to offer to the Jews of the South, never the rancour or resentment or even hatred some of the other rabbis of the time seemed to bear.

The influence of *The Israelite*, before the war, had been strongest in the west and in the south. Wise had created valuable contacts with southern congregations, rabbis, and persons in the pre-war years. Almost half of his subscribers lived in the south. As long as he could, he printed advertisements for southern business firms and congregations, letters from southern subscribers, reports from southern congregations, and lists of his agents in southern cities. Immediately after the outbreak of the war he printed directions for the payment of monies owed to him to two agents in the south; copies of *The Israelite* and *Die Deborah* were mailed to the south as long as it was legal to do so. When, finally, in June '61, the Postmaster General of the United States halted all mails to the Confederate States, except under flag of truce through military channels, Wise complained vociferously.

²⁴ VII #37, p. 292, March 15, 1861; #45, p. 356, May 10; VIII #1, p. 4, July 5, 1861; #3, p. 20, July 19. See also VIII #30, p. 236, Jan. 24, 1862; X #2, p. 12, July 10, 1863; XI #8, p. 60, Aug. 19, 1864.

"Thus nearly one half of our list of subscribers is gone without prospect of an early settlement of this affair. . . It strikes us that [it] is unconstitutional . . . We know that we will hardly be able to stand this shock."²⁵ And for some time *The Israelite* continued to print appeals for additional subscribers and for prompt payment of back subscription monies. The financial crisis was passed, after a while, but for several months Wise had been prepared to accept the eventuality of ceasing publication for the duration of the war.

Financial crisis or not, however, Wise lost those subscribers and the influence he wielded over them and the support they gave to his ideas, projects, and plans for American Jewry. This he could not forget. And it is likely that when, ever and again, there seemed to be a possibility of a final conclusion to the war, his hopes soared for a reintegration of southern Jewry into his fold of *Israelite* readers and supporters.

He always defended their right to support the Confederacy together with their neighbors; he was never willing to disown them for disloyalty to the Union, as were Einhorn and Felsenthal, for instance. When news of southern Jewish congregations filtered through the grape-vine, when Southern cities were captured by the armies of the Union, when letters were smuggled or legally delivered across the blockade lines, Wise eagerly printed such tidings as were communicated to him. In 1862, for instance, he obtained information about the congregations in Jackson and Summit, Miss., Atlanta and Columbus, Ga., Montgomery and Mobile, Ala., and was happy to relate that "our informant tells us wonders of the material prosperity of our friends in the far South."²⁶ Earlier the same year he printed an advertisement for a rabbi for the Charleston Reform Congregation and added an editorial word for good measure. The congregation is an excellent one, he says, and therefore competent men, only, need apply. He will recommend none but the finest candidates. But "letters to Charleston," he adds, "must be sent via Fortress Monroe, by flag of truce." There is no other indication that a bitter war is in progress and that the rabbi is to minister to a congregation

²⁵ VII #50, p. 396, June 14, 1861; cf. XIII #1, p. 5, July 6, 1866.

²⁶ IX #19, p. 147, Nov. 14, 1862.

of the enemy. Wise did not consider them enemies, but friends.^{26a} In '63 and '64 *The Israelite* printed several letters from Jewish Confederate prisoners at Fort Delaware, appealing for help and assistance; Wise forwarded one of these to the proper authorities at Washington, but to no avail.²⁷ Once the war had ended, and communications of one sort or another were restored, *The Israelite* printed voluminous reports from the South as rapidly as Wise could obtain them, as though he were consciously trying to erase the four year period during which his contact with southern Jewry had been slight if not non-existent.

There were further demonstrations of his sympathy for the south. Wise preached forgiveness and conciliation as soon as the war was won. In his Victory Sermon preached on April 14, 1865, and printed in *The Israelite* on April 21, 1865, he pleaded for mercy towards the vanquished, asked that they be welcomed back into the Union, and that no spirit of revenge be borne against them. Even after the assassination of Lincoln, when Wise himself realized that the perpetrators of that infamous deed had to be punished severely, he hoped that vengeance would not be exacted from the entire south. In 1867 he attacked those clergymen who were still calling for revenge against the south, and asserted that, as Christians, they demonstrated very little of the Christian spirit. When the amnesty proclamation was issued in that same year he greeted it with "joyous satisfaction" as "a blessing and an honor to our country," and looked forward to the time when all southern prisoners would be freed.²⁸ As late

^{26a} VIII #36, pp. 283, 285, March 7, 1862.

²⁷ X #16, p. 122, Oct. 16, 1863; XI #16, p. 124, Oct. 14, 1864.

²⁸ XIV #3, p. 4, July 19, 1867; #12, p. 4, Sept. 20. In June, 1867, Wise visited Richmond and was bitter in his reaction to the results of the war, whereby the negroes seemed destined to assume control of the entire Southland. He wrote of the negroes roaming the streets at will, while the whites remained in their homes. Undoubtedly he was absorbing the propaganda line of the defeated Confederates when he predicted that the whites would eventually be forced to leave the South; then the negroes would be in full command and would stimulate a flood of negro immigration from Africa. There was no humanitarianism in his sarcastic comments on the significance of the emancipation of the Southern slaves: "posterity will consider us an admirably generous class of people, who not only expunged the disgrace of

as 1873 he was still the champion of the south and wrote in an editorial, "As long as the South is interfered with, any way molested, or denied any rights or privileges which others enjoy anywhere, we will be found to stand with the South."²⁹ He was ever true to the "dear friends and near relations, beloved brethren and kinsmen" against whom he had never desired the north to go to war.

II

Judging from the available sources and published studies,³⁰ there was relatively little anti-Semitism in the United States prior to the Civil War, and that, apparently, stemmed from fundamentalist Christian doctrine and indefinite suspicions carried on from the mediaeval world. From the outbreak of the Civil War and onward, however, a veritable torrent of slander and abuse was loosed upon the Jews, stimulated primarily by economic and political tensions. A detailed study of the growth of anti-Semitism in the United States will undoubtedly demonstrate that, contrary to popular supposition, the Civil War was the period in which modern anti-Semitism began in America, and not the later period of intensive Eastern-European Jewish immigration to the United States. Simon Wolf, who, in after years devoted his career to Jewish defense work in government circles in Washington, wrote in a letter to the editor of the New York *Evening Post* of November 22, 1864, "the war now raging has developed an intensity of malice that borders upon the darkest days of superstition and the Spanish Inquisition." Wise said a year previously, "as Israelites, we were more mortified and outraged during this war than we were in Austria under the Metternich regime, in Russia under Nesselrode, in Bavaria under Mouteufel . . . We feel sorely af-

slavery at an expense of a million of men and three thousand millions of treasure, and now support a standing army at an expense of two hundred millions a year, to protect the freedmen; but also virtually give them eleven States, to be entirely under their control and safe-keeping." XIII #51, p. 4, June 28, 1867.

²⁹ XX #8, p. 4, Feb. 21, 1873.

³⁰ See, for instance, Gustavus Myers, *History of Bigotry in the United States*, N. Y. 1943.

flicted and disgusted, and wish nothing more earnestly than peace."³¹

There was a rising crescendo of shrieking libels hurled at the Jews almost from the very beginning of the war, libels remarkably similar to those with which the Jews were plagued during the Second World War. In both the North and the South, these were the accusations: draft-dodging, the purchase of officer-commissions, war profiteering, bribery, smuggling and black-marketeering, speculation at the expense of the government, and many other types of foul disloyalty. Judah P. Benjamin was a favorite target in the north, but also among his enemies in the south; August Belmont was his northern counterpart. Jews were excoriated in the Congress of the north, and in the legislatures of the Confederacy. Public heroes, military and civilian, took occasion to accuse the Jews of every kind of treachery and baseness. The notorious Grant Order #11, by which, in late '62, all Jews were expelled from the Department of the Tennessee for trading with the enemy, was only one of a number of anti-Semitic orders and statements issuing from prominent military quarters. Wise wrote, after the war, and in reference to another libel concerning Belmont, "since the outbreak of the late rebellion we have been used to the outpourings of such persons."³²

Yes, Wise was used to such outpourings. He took pains to publish them in *The Israelite*, so that his readers might know their enemies, as many as he heard or saw or as were reported to him: dozens and dozens of clippings from newspapers in cities large and small, quotations from speeches by politicians and clergymen prominent and unknown, libels from sources north and south. Wise published them all, together with all the evidence he could gather, and answered them with an unflagging zeal, though with a rising temper. At the same time, he carefully printed many pro-Jewish statements, defenses of the Jews by public newspapers and magazines, comments by gentiles who, also, were zealous to oppose the bigotry of their day.

³¹ X #24, p. 188, Dec. 11, 1863.

³² XIV #35, p. 4, March 6, 1868.

This is not the proper place to analyze all of these libels, but a few instances will illustrate their character and the nature of Wise's defense. On November 30, 1863, Major General S. A. Hurlbut issued his Order #162, prohibiting 14 Jewish clothing houses in the Memphis, Tenn., area from selling military clothing, and ordering them to send their goods back across the lines. Wise comments, "the goods were bought and shipped on legal permits, and five percent duty was paid thereon, which is a clear loss to the merchants. The cause for the order is not clearly stated, so we cannot tell why it was issued." But his correspondents had given him additional information concerning the case, which he considered reliable enough to offer to his readers. "Most wonderful, however, in this matter, is that two non-Jewish houses, of Memphis, Tickner & Co., and Waggnar and Cheek, were not included in this order. On the contrary, it is maintained, on good authority, that Tickner & Co. not only knew in advance that such an order was to be issued, but were given permits to bring military goods to Memphis and monopolize the trade." Wise concludes a tirade against military rule with a quotation from a Washington dispatch, detailing the news of another huge Quartermaster Department fraud involving millions of dollars, perpetrated by high ranking officers, whose religion is of course not mentioned, because they were not Jews.³³

On February 16, 1863, an Associated Press dispatch from New Orleans, telegraphed to all the member-newspapers, told of three Jews who had been caught in a fishing smack on Lake Ponchartrain, carrying medicine and letters from New Orleans to the Confederate lines. The letters, the report said, were "from forty or fifty leading citizens of New Orleans to persons high in authority in the Confederate government." The article concluded with the following sentences: "The Jews in New Orleans and all the South ought to be exterminated. They run the blockade, and are always to be found at the bottom of every new villainy." The religion of the "leading citizens" and of the "persons high in authority in the Confederate government" was not specified, of course, nor was extermination urged as the only

³³ X #24, p. 188, Dec. 11, 1863.

course of procedure for dealing with them. Wise demanded an investigation of the Associated Press, and quoted editorials to that effect from the Cincinnati dailies, which also defended the Jews and attacked the A.P. reporter responsible for this bitter assault. The *Enquirer* surmised that the report was inspired by Massachusetts Yankees who had been out-smarted by local Jews in their first attempts at carpet-bagging.³⁴

Wise admitted that there were Jews who were unscrupulous, but insisted that they be judged as individuals, not as members of the Jewish people. Jews are not a class apart, he believed, but part and parcel of the society in which they live. He pointed to the efforts of Jews in the cause of the Union, pleading as Jews have pleaded before and since his time: "Our sons enlisted in the army, our daughters sew and knit for the wounded soldiers and their poor families, our capitalists spend freely, our hospitals are thrown open to the sick soldiers of all creeds, our merchants represented at every benevolent association contribute largely to the wealth and prosperity of the cities, give bread and employment to thousands; we keep from politics, gambling houses, public-offices, penitentiaries, and newspaper publications—what else must we do to heal those petty scribblers from their mad prejudice?"³⁵

As the war progressed, congressional committees made periodic examinations into the political and military agencies responsible for carrying on the war, and uncovered mountains of evidence of misappropriation, bribery, waste, corruption, and peculation. Wise printed excerpts from the public reports of these committees. It became more and more obvious to him that many of the libels about Jewish corruption, smuggling, and other dishonesty had been circulated as a smoke screen, to draw attention away from the activities of the financiers, profiteers, incompetent and dishonest office-holders, and bribe-taking politicians. The Jews were then, as always, a convenient scape-goat.

Occasionally a libel could be run into the ground. The Cincinnati *Enquirer* of October 20, 1861, reported that a "combina-

³⁴ IX #33, p. 258, Feb. 20, 1863.

³⁵ VIII #36, p. 284, March 7, 1862.

tion of Jewish clothing houses in this city" had been organized "to take advantage of the pressing necessity of our Western soldiers for blankets, etc." The Jews of Cincinnati became so aroused that the editors were forced to interview the business men concerned, to examine their records, and then to retract the statement. The apology stated that one clothing man said "that they had made contracts at an early period in the war, when prices were down, and were now uncomplainingly living up to them, since prices had materially raised. His figures were sufficient assurance of his truthfulness." Wise suspected that *The Enquirer* had published the report in an effort to divert the public from inquiring too closely into its own "supposed secession proclivities"; and, further, that the Jews, being defenseless, could not retaliate against the paper whereas the powerful interests, who were actually guilty of such practices, could deal the paper a staggering blow for such an expose. Nevertheless, the retraction was printed.³⁶

This did not happen very frequently, however, and Wise reluctantly had to admit that the truth made little impression. Anti-Semitism was now a political and economic weapon. Was it here to stay? Wise could not tell, but he was willing to resort to any measure to nail the lie. In 1868, he fell in heartily with the proposal of the Jews of Chattanooga, Tenn., who determined to build a monument to the Jewish war dead who had fallen in their area. He offered the suggestion to all communities: "The Jews have been outraged during the war by officials, such as Grant, Butler, and others, by many a corporal and many a scribe whose names are not worth mentioning, although Brownlow is now Governor and senator. They always assumed the Jews were idle spectators in the great drama . . . Coming generations may accept the slanderous statements made against our brethren as being true. Therefore, also, we admonish our coreligionists to have every dead soldier exhumed and buried in our cemeteries, and let the monuments to the deceased Soldiers of our persuasion put to shame all those who slandered the Jews in a dangerous and excitable time." A desperate measure, indeed, to counteract anti-Semitism! And yet how modern the need appears, measured

³⁶ VIII #17, p. 132, Oct. 25, 1861.

by the anti-Semitic libels of World War II. As late as 1891, however, Wise was still defending the Jews against the old accusations he had answered in almost every issue of *The Israelite* from 1861 to 1865, and Simon Wolf was gathering statistics to prove that the Jews had been patriotic during the Civil War.³⁷

³⁷ XIV #31, p. 4, February 7, 1868; XXXVIII #23, p. 4, Dec. 3, 1891 ff.

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